

ASSEMBLY BILL

No. 2791

Introduced by Committee on Governmental Organization (Coto (Chair), Anderson (Vice Chair), Bradford, Chesbro, Cook, Evans, Galgiani, Hall, Hill, Jeffries, Lieu, Mendoza, Nestande, Portantino, V. Manuel Perez, Silva, Torres, Torrico, and Tran)

March 17, 2010

An act to amend Sections 10147 and 10149 of the Business and Professions Code, to amend Section 1218 of the Code of Civil Procedure, to amend Sections 32282, 32282.5, 35296, 51264, 51266, 51266.5, 51269, 66210, 71095, and 94600 of the Education Code, to amend Section 298 of the Family Code, to amend Sections 3862 and 3863 of the Fish and Game Code, to amend Sections 179.7, 955.1, 3102, 6254.23, 8574.20, 8574.21, 8576, 8579, 8585, 8585.1, 8585.2, 8585.5, 8585.7, 8588, 8588.1, 8588.2, 8588.3, 8588.5, 8588.11, 8588.15, 8589.10, 8589.11, 8589.12, 8589.13, 8589.14, 8589.15, 8589.16, 8589.17, 8589.18, 8589.19, 8589.20, 8589.21, 8590.1, 8590.2, 8590.3, 8590.4, 8591, 8592.1, 8593.6, 8596, 8607, 8607.2, 8608, 8610, 8610.3, 8612, 8613, 8614, 8639, 8651, 8657, 8657.5, 8670.20, 8670.25.5, 8670.26, 8670.64, 8680.7, 8685, 8685.2, 8685.4, 8685.6, 8685.8, 8686.2, 8686.3, 8686.4, 8686.8, 8687, 8687.2, 8687.4, 8687.7, 8692, 8696.5, 8697, 8697.5, 8840, 8841, 8844, 8870.2, 8870.4, 8870.7, 8870.71, 8871.3, 8871.4, 8876.7, 8878.52, 8878.90, 8878.100, 8878.125, 8879.23, 8879.50, 8879.53, 8879.57, 8879.58, 8879.60, 8879.61, 11126, 11549.4, 12800, 14669.21, 19844.5, 26614, 51018, 65302, 65302.6, 66540.5, and 66540.32 of, to amend the heading of Article 5 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2 of, to add Sections 8585.05 and 8588.12 to, to repeal Sections 8581.5, 8588.4, 8589.22, 8592.6, 8593.4, 8601, 9147.5 of, and to repeal and add Section 8588.10 of, the Government Code, to amend Sections 1596.867, 1797.132,

1797.150, 1797.151, 1797.152, 1797.153, 11998.1, 13071, 13073, 13140.5, 13143.9, 18603, 25169.7, 25197.2, 25210.6, 25270.8, 25299.1, 25359.4, 25404.3, 25501, 25502, 25503, 25503.1, 25503.3, 25503.4, 25503.5, 25503.9, 25505.2, 25507, 25507.1, 25509, 25517.5, 25520, 25531.2, 25545, 50661.5, 51614, 101080.2, 105215, 114650, 114655, 114660, 114790, 114820, 115280, 115295, 115340, 124174.2, and 130055 of, and to amend the heading of Article 2 (commencing with Section 114660) of Chapter 4 of Part 9 of Division 104 of, the Health and Safety Code, to amend Sections 16020 and 16030 of the Insurance Code, to amend Sections 3211.91, 3212.1, and 4350 of the Labor Code, to amend Section 433.5 of the Military and Veterans Code, to amend Sections 273.82, 830.3, 999c, 999j, 999k, 999n, 999p, 999r, 999s, 999v, 999x, 999y, 1174.2, 1191.21, 6241, 11160, 11160.1, 11161.2, 11171, 11174.34, 11501, 11502, 11504, 13100.1, 13800, 13820, 13823, 13823.2, 13823.3, 13823.4, 13823.5, 13823.6, 13823.9, 13823.93, 13823.12, 13823.13, 13825, 13826.1, 13826.15, 13826.62, 13826.7, 13827, 13827.1, 13827.2, 13830, 13832, 13833, 13835.2, 13835.6, 13835.7, 13835.10, 13836, 13836.1, 13843, 13844, 13846, 13847, 13847.2, 13851, 13854, 13861, 13864, 13881, 13887.5, 13897.2, 13897.3, 13901, 14111, 14112, 14117, 14118, 14119, 14120, 14121, and 14140 of, to amend the heading of Chapter 3 (commencing with Section 13820) of Title 6 of Part 4 of, and to add Section 14113 to, the Penal Code, to amend Sections 715, 2802, 2803, 2811, 2814, 2815, 3233, 25701, and 43035 of the Public Resources Code, to amend Sections 2774.5, 2872.5, 2892.1, 7661, 7662, 7663, 7665.2, 7665.3, 7665.4, 7673, 7710, and 7718 of, and to add 7665.1 to, the Public Utilities Code, to amend Section 97.2 of the Revenue and Taxation Code, to amend Sections 165, 5066, 9706, 23112.5, 25258, and 34061 of the Vehicle Code, to amend Sections 128, 6025.6, 12994, 13271, 13272, 73503, and 79522 of the Water Code, and to amend Sections 1789, 9625, 14085.54, 18277, 18278, and 18278.5 of, to add Section 18275.5 to, and to repeal Section 1789.5 of, the Welfare and Institutions Code, relating to the California Emergency Management Agency.

LEGISLATIVE COUNSEL'S DIGEST

AB 2791, as introduced, Committee on Governmental Organization. California Emergency Management Agency.

Existing law creates the California Emergency Management Agency and requires it to perform a variety of duties with respect to specified

emergency preparedness, mitigation, and response activities in the state. Prior to the creation of the California Emergency Management Agency, these activities were the responsibility of the Governor's Office of Emergency Services and the Office of Homeland Security. The Budget Act of 2003 eliminated the Office of Criminal Justice Planning, and its responsibilities for administering a variety of planning, training, education, and crime suppression and mitigation programs ultimately were assigned to the Office of Emergency Services.

This bill would make conforming changes to reference the California Emergency Management Agency as the agency responsible for the programs and activities described above. The bill would require, beginning July 1, 2011, that the agency report biennially to the Legislature, as specified, and delete other reporting requirements, both current and previously due. The bill would require the Secretary of Emergency Management to establish a Curriculum Development Advisory Committee, which would make recommendations regarding terrorism awareness curriculum and response training and would eliminate the Emergency Response Training Advisory Committee. Among other things the bill would also eliminate the requirement that the Seismic Safety Commission establish an urban search and rescue emergency response advisory committee and the responsibility of the California Emergency Management Agency to monitor, evaluate, and report on various projects related to runaway youth.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 10147 of the Business and Professions
2 Code is amended to read:
3 10147. (a) On or before January 1, 1993, the Seismic Safety
4 Commission shall develop, adopt, and publish a Commercial
5 Property Owner's Guide to Earthquake Safety for distribution to
6 licensees for purposes of Section 2079.9 of the Civil Code and,
7 upon request, to any member of the general public.
8 (b) In developing the guide, the Seismic Safety Commission
9 shall consult with the ~~Office of Emergency Services~~ *California*
10 *Emergency Management Agency*, the Division of Mines and
11 Geology of the Department of Conservation, the Department of
12 Real Estate, and other interested agencies and persons.

(c) The commission shall, to the extent possible, rely on currently available data to develop the guide. To the extent necessary, the commission may contract for the development and production of the guide. The commission shall update the contents of the guide whenever it determines that information within the guide is sufficiently inaccurate or incomplete so as to reduce the effectiveness of the guide. The commission shall charge a fee to cover the costs of production, distribution, development, and updating the guide.

(d) The guide shall include, but need not be limited to, all of the following:

(1) Maps and information on geologic and seismic hazard conditions in the state.

(2) Explanations of typical structural and nonstructural earthquake hazards.

(3) Recommendations for mitigating the hazards of an earthquake, including references and explanations of what constitutes “adequate wall anchorage” as defined in Section 8893.1 of the Government Code.

(4) A statement that there are no guarantees of safety or damage prevention that can be made with respect to a major earthquake and that only precautions, such as retrofitting, can be taken to reduce the risk of various types of earthquake damage. For purposes of preparing the statement, the commission shall confer with insurers and design professional associations.

(5) Notice of the obligation to post a sign as required by Section 8875.8 of the Government Code.

SEC. 2. Section 10149 of the Business and Professions Code is amended to read:

10149. (a) On or before July 1, 1992, the Seismic Safety Commission shall develop, adopt, and publish a Homeowner’s Guide to Earthquake Safety for distribution to licensees for purposes of Section 2079.8 of the Civil Code and, upon request, to any member of the general public.

(b) In developing the guide, the Seismic Safety Commission shall consult with the ~~Office of Emergency Services~~ *California Emergency Management Agency*, the Division of Mines and Geology of the Department of Conservation, the Department of Real Estate, and other interested agencies and persons.

1 (c) The commission shall, to the extent possible, rely on
2 currently available data to develop the guide. To the extent
3 necessary, the commission may contract for the development and
4 production of the guide. The commission shall update the contents
5 of the guide whenever it determines that information within the
6 guide is sufficiently inaccurate or incomplete so as to reduce the
7 effectiveness of the guide. The commission shall charge a fee to
8 cover the costs of production, distribution, development, and
9 updating the guide.

10 (d) The guide shall include, but need not be limited to, all of
11 the following:

12 (1) Maps and information on geologic and seismic hazard
13 conditions for all areas of the state.

14 (2) Explanations of the related structural and nonstructural
15 hazards.

16 (3) Recommendations for mitigating the hazards of an
17 earthquake.

18 (4) A statement that there are no guarantees of safety or damage
19 prevention that can be made with respect to a major earthquake
20 and that only precautions, such as retrofitting, can be taken to
21 reduce the risk of various types of earthquake damage. For purposes
22 of preparing the statement, the commission shall confer with
23 insurers and design professional associations.

24 SEC. 3. Section 1218 of the Code of Civil Procedure is
25 amended to read:

26 1218. (a) Upon the answer and evidence taken, the court or
27 judge shall determine whether the person proceeded against is
28 guilty of the contempt charged, and if it be adjudged that he or she
29 is guilty of the contempt, a fine may be imposed on him or her not
30 exceeding one thousand dollars (\$1,000), payable to the court, or
31 he or she may be imprisoned not exceeding five days, or both. In
32 addition, a person who is subject to a court order as a party to the
33 action, or any agent of this person, who is adjudged guilty of
34 contempt for violating that court order may be ordered to pay to
35 the party initiating the contempt proceeding the reasonable
36 attorney's fees and costs incurred by this party in connection with
37 the contempt proceeding.

38 (b) No party, who is in contempt of a court order or judgment
39 in a dissolution of marriage, dissolution of domestic partnership,
40 or legal separation action, shall be permitted to enforce such an

1 order or judgment, by way of execution or otherwise, either in the
2 same action or by way of a separate action, against the other party.
3 This restriction shall not affect nor apply to the enforcement of
4 child or spousal support orders.

5 (c) In any court action in which a party is found in contempt of
6 court for failure to comply with a court order pursuant to the Family
7 Code, the court shall order the following:

8 (1) Upon a first finding of contempt, the court shall order the
9 contemner to perform community service of up to 120 hours, or
10 to be imprisoned up to 120 hours, for each count of contempt.

11 (2) Upon the second finding of contempt, the court shall order
12 the contemner to perform community service of up to 120 hours,
13 in addition to ordering imprisonment of the contemner up to 120
14 hours, for each count of contempt.

15 (3) Upon the third or any subsequent finding of contempt, the
16 court shall order both of the following:

17 (A) The court shall order the contemner to serve a term of
18 imprisonment of up to 240 hours, and to perform community
19 service of up to 240 hours, for each count of contempt.

20 (B) The court shall order the contemner to pay an administrative
21 fee, not to exceed the actual cost of the contemner's administration
22 and supervision, while assigned to a community service program
23 pursuant to this paragraph.

24 (4) The court shall take parties' employment schedules into
25 consideration when ordering either community service or
26 imprisonment, or both.

27 (d) Pursuant to Section 1211 and this section, a district attorney
28 or city attorney may initiate and pursue a court action for contempt
29 against a party for failing to comply with a court order entered
30 pursuant to the Domestic Violence Protection Act (Division 10
31 (commencing with Section 6200) of the Family Code). Any
32 attorney's fees and costs ordered by the court pursuant to
33 subdivision (a) against a party who is adjudged guilty of contempt
34 under this subdivision shall be paid to the ~~Office of Emergency~~
35 ~~Services~~² *California Emergency Management Agency's* account
36 established for the purpose of funding domestic violence shelter
37 service providers pursuant to subdivision (f) of Section 13823.15
38 of the Penal Code.

39 SEC. 4. Section 32282 of the Education Code is amended to
40 read:

1 32282. (a) The comprehensive school safety plan shall include,
2 but not be limited to, both of the following:

3 (1) Assessing the current status of school crime committed on
4 school campuses and at school-related functions.

5 (2) Identifying appropriate strategies and programs that will
6 provide or maintain a high level of school safety and address the
7 school's procedures for complying with existing laws related to
8 school safety, which shall include the development of all of the
9 following:

10 (A) Child abuse reporting procedures consistent with Article
11 2.5 (commencing with Section 11164) of Title 1 of Part 4 of the
12 Penal Code.

13 (B) Disaster procedures, routine and emergency, including
14 adaptations for pupils with disabilities in accordance with the
15 Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101
16 et seq.). The disaster procedures shall also include, but not be
17 limited to, both of the following:

18 (i) Establishing an earthquake emergency procedure system in
19 every public school building having an occupant capacity of 50
20 or more pupils or more than one classroom. A district or county
21 office may work with the ~~Office of Emergency Services~~ *California*
22 *Emergency Management Agency* and the Seismic Safety
23 Commission to develop and establish the earthquake emergency
24 procedure system. The system shall include, but not be limited to,
25 all of the following:

26 (I) A school building disaster plan, ready for implementation
27 at any time, for maintaining the safety and care of pupils and staff.

28 (II) A drop procedure whereby each pupil and staff member
29 takes cover under a table or desk, dropping to his or her knees,
30 with the head protected by the arms, and the back to the windows.
31 A drop procedure practice shall be held at least once each school
32 quarter in elementary schools and at least once a semester in
33 secondary schools.

34 (III) Protective measures to be taken before, during, and
35 following an earthquake.

36 (IV) A program to ensure that pupils and both the certificated
37 and classified staff are aware of, and properly trained in, the
38 earthquake emergency procedure system.

39 (ii) Establishing a procedure to allow a public agency, including
40 the American Red Cross, to use school buildings, grounds, and

1 equipment for mass care and welfare shelters during disasters or
2 other emergencies affecting the public health and welfare. The
3 district or county office shall cooperate with the public agency in
4 furnishing and maintaining the services as the district or county
5 office may deem necessary to meet the needs of the community.

6 (C) Policies pursuant to subdivision (d) of Section 48915 for
7 pupils who committed an act listed in subdivision (c) of Section
8 48915 and other school-designated serious acts which would lead
9 to suspension, expulsion, or mandatory expulsion recommendations
10 pursuant to Article 1 (commencing with Section 48900) of Chapter
11 6 of Part 27.

12 (D) Procedures to notify teachers of dangerous pupils pursuant
13 to Section 49079.

14 (E) A discrimination and harassment policy consistent with the
15 prohibition against discrimination contained in Chapter 2
16 (commencing with Section 200) of Part 1.

17 (F) The provisions of any schoolwide dress code, pursuant to
18 Section 35183, that prohibits pupils from wearing “gang-related
19 apparel,” if the school has adopted that type of a dress code. For
20 those purposes, the comprehensive school safety plan shall define
21 “gang-related apparel.” The definition shall be limited to apparel
22 that, if worn or displayed on a school campus, reasonably could
23 be determined to threaten the health and safety of the school
24 environment. Any schoolwide dress code established pursuant to
25 this section and Section 35183 shall be enforced on the school
26 campus and at any school-sponsored activity by the principal of
27 the school or the person designated by the principal. For the
28 purposes of this paragraph, “gang-related apparel” shall not be
29 considered a protected form of speech pursuant to Section 48950.

30 (G) Procedures for safe ingress and egress of pupils, parents,
31 and school employees to and from school.

32 (H) A safe and orderly environment conducive to learning at
33 the school.

34 (I) The rules and procedures on school discipline adopted
35 pursuant to Sections 35291 and 35291.5.

36 (J) Hate crime reporting procedures pursuant to Chapter 1.2
37 (commencing with Section 628) of Title 15 of Part 1 of the Penal
38 Code.

39 (b) It is the intent of the Legislature that schools develop
40 comprehensive school safety plans using existing resources,

1 including the materials and services of the partnership, pursuant
2 to this chapter. It is also the intent of the Legislature that schools
3 use the handbook developed and distributed by the School/Law
4 Enforcement Partnership Program entitled “Safe Schools: A
5 Planning Guide for Action” in conjunction with developing their
6 plan for school safety.

7 (c) Grants to assist schools in implementing their comprehensive
8 school safety plan shall be made available through the partnership
9 as authorized by Section 32285.

10 (d) Each schoolsite council or school safety planning committee
11 in developing and updating a comprehensive school safety plan
12 shall, where practical, consult, cooperate, and coordinate with
13 other schoolsite councils or school safety planning committees.

14 (e) The comprehensive school safety plan may be evaluated and
15 amended, as needed, by the school safety planning committee, but
16 shall be evaluated at least once a year, to ensure that the
17 comprehensive school safety plan is properly implemented. An
18 updated file of all safety-related plans and materials shall be readily
19 available for inspection by the public.

20 (f) The comprehensive school safety plan, as written and updated
21 by the schoolsite council or school safety planning committee,
22 shall be submitted for approval under subdivision (a) of Section
23 32288.

24 SEC. 5. Section 32282.5 of the Education Code is amended to
25 read:

26 32282.5. (a) The department shall electronically distribute
27 disaster preparedness educational materials and lesson plans that
28 are currently available to school districts and county offices of
29 education.

30 (b) The department shall ensure that the disaster preparedness
31 materials are available in at least the three most dominant primary
32 languages spoken by English learners in California, according to
33 the language census.

34 (c) The department shall coordinate with the ~~Office of~~
35 ~~Emergency Services~~ *California Emergency Management Agency*
36 to make sure that all materials are reviewed and updated annually.

37 SEC. 6. Section 35296 of the Education Code is amended to
38 read:

39 35296. The governing board of each private school shall
40 establish an earthquake emergency procedure system in every

1 private school building under its jurisdiction having an occupant
2 capacity of 50 or more pupils or more than one classroom. A
3 governing board may work with the ~~Office of Emergency Services~~
4 *California Emergency Management Agency* and the Seismic Safety
5 Commission to develop and establish the earthquake emergency
6 procedure systems.

7 SEC. 7. Section 51264 of the Education Code is amended to
8 read:

9 51264. (a) The State Department of Education shall prepare
10 and distribute to school districts and county offices of education
11 guidelines for incorporating in-service training in gang violence
12 and drug and alcohol abuse prevention for teachers, counselors,
13 athletic directors, school board members, and other educational
14 personnel into the staff development plans of all school districts
15 and county offices of education.

16 (b) The department shall, upon request, assist school districts
17 and county offices of education in developing comprehensive gang
18 violence and drug and alcohol abuse prevention in-service training
19 programs. The department's information and guidelines, to the
20 maximum extent possible, shall encourage school districts and
21 county offices of education to avoid duplication of effort by sharing
22 resources, adapting or adopting model in-service training programs,
23 developing joint and collaborative programs, and coordinating
24 efforts with existing state staff development programs, county
25 gang violence and drug and alcohol staff development programs,
26 county health departments, county and city law enforcement
27 agencies, and other public and private agencies providing health,
28 drug, alcohol, gang violence prevention, or other related services
29 at the local level.

30 (c) The department shall assist school districts and county offices
31 of education in qualifying for the receipt of federal and state funds
32 to support their gang violence and drug and alcohol abuse
33 prevention in-service training programs.

34 (d) Each school that chooses to utilize the provisions of this
35 article related to in-service training in gang violence and drug and
36 alcohol abuse prevention, is encouraged to develop a single plan
37 to strengthen its gang violence and drug and alcohol abuse
38 prevention efforts. If a school develops or has developed a school
39 improvement plan pursuant to Article 2 (commencing with Section
40 52010) of Chapter 6 of Part 28, or a school safety plan pursuant

1 to Article 5 (commencing with Section 32280) of Chapter 2.5 of
2 Part 19, it is encouraged to incorporate into that plan, where
3 appropriate, the gang violence and drug and alcohol prevention
4 plan that it has developed.

5 (e) The department shall consult with the ~~Office of Criminal~~
6 ~~Justice Planning~~ *California Emergency Management Agency*
7 regarding gang violence.

8 SEC. 8. Section 51266 of the Education Code is amended to
9 read:

10 51266. (a) ~~The Office of Criminal Justice Planning~~ *California*
11 *Emergency Management Agency*, in collaboration with the State
12 Department of Education, shall develop a model gang violence
13 suppression and substance abuse prevention curriculum for grades
14 2, 4, and 6. The curriculum for grades 2, 4, and 6 shall be modeled
15 after a similar curriculum that has been developed by the Orange
16 County Office of Education for grades 3, 5, and 7. ~~The Office of~~
17 ~~Criminal Justice Planning~~ *California Emergency Management*
18 *Agency*, in collaboration with the State Department of Education,
19 may contract with a county office of education for the development
20 of the model curriculum. The model curriculum shall be made
21 available to school districts and county offices of education and
22 shall, at a minimum, provide for each of the following:

23 (1) Lessons for grades 2, 4, and 6 that are aligned with the state
24 curriculum frameworks for history, social science, and English
25 and language arts.

26 (2) Instructional resources that address issues of ethnic diversity
27 and at-risk pupils.

28 (3) The integration of the instructional resources of the ~~Office~~
29 ~~of Criminal Justice Planning~~ *California Emergency Management*
30 *Agency* and the School/Law Enforcement Partnership in order to
31 support the school curriculum and assist in the alignment of the
32 state curriculum framework.

33 (b) ~~The Office of Criminal Justice Planning~~ *California*
34 *Emergency Management Agency* shall develop an independent
35 evaluation of the pupil outcomes of the model gang violence
36 suppression and substance abuse prevention curriculum program.

37 SEC. 9. Section 51266.5 of the Education Code is amended to
38 read:

39 51266.5. The Rural Gang Task Force Subcommittee provided
40 for by subdivision (g) of Section 13826.1 of the Penal Code, in

1 collaboration with the Gang Violence Suppression Advisory
2 Committee provided for by subdivision (g) of Section 13826.1 of
3 the Penal Code and the ~~Office of Criminal Justice Planning~~
4 *California Emergency Management Agency*, shall review the model
5 gang violence suppression and substance abuse prevention
6 curriculum for grades 2, 4, and 6, developed pursuant to Section
7 51266, and identify methods by which the curriculum can best be
8 utilized in rural school settings.

9 SEC. 10. Section 51269 of the Education Code is amended to
10 read:

11 51269. (a) The State Department of Education shall
12 collaborate, to the extent possible, with other state agencies that
13 administer drug, alcohol, and tobacco abuse prevention education
14 programs to streamline and simplify the process whereby local
15 educational agencies apply for state and federal drug, alcohol, and
16 tobacco education funds.

17 (b) The State Department of Education, in consultation with the
18 Department of Justice, the ~~Office of Criminal Justice Planning~~
19 *California Emergency Management Agency*, and the State
20 Department of Alcohol and Drug Programs, shall develop, to the
21 extent possible, an ongoing statewide monitoring and assessment
22 system to provide current and reliable data on the utilization of
23 resources for programs for prevention of and early intervention
24 for drug, alcohol, and tobacco abuse. The purpose of the system
25 shall be to facilitate improved planning and program delivery
26 among state and local agencies, including law enforcement,
27 juvenile justice, county health, and county drug and alcohol
28 agencies and programs, and communities.

29 SEC. 11. Section 66210 of the Education Code is amended to
30 read:

31 66210. (a) The ~~Office of Emergency Services~~ *California*
32 *Emergency Management Agency* shall develop guidelines for
33 campuses of the University of California and the California State
34 University to use in developing emergency evacuation plans for
35 all forms of student housing owned, operated, and offered by the
36 university, both on campus and off campus. In developing the
37 guidelines, the ~~Office of Emergency Services~~ *California*
38 *Emergency Management Agency* shall consider Sections 3.09 and
39 3.13 of Title 19 of the California Code of Regulations. The
40 guidelines shall address all of the following issues:

1 (1) Plan content. The plans should include, but need not be
2 limited to, the following:

3 (A) Specific evacuation routes that recognize the needs of
4 persons with special needs, such as persons with disabilities.

5 (B) The designation of a meeting place or places upon
6 evacuation.

7 (C) The education of students and staff in emergency procedures.

8 (2) The implementation and maintenance of the evacuation plan
9 by the Director of Student Housing, or other appropriate officer,
10 at the individual campuses. The director, or other appropriate
11 officer, is responsible for scheduling periodic tests of the plan and
12 implementing changes as needed.

13 (b) Each campus of the University of California and the
14 California State University shall establish an emergency evacuation
15 plan for its postsecondary student housing and may consult with
16 the ~~Office of Emergency Services~~ *California Emergency*
17 *Management Agency* for guidance in developing and establishing
18 the plan.

19 SEC. 12. Section 71095 of the Education Code is amended to
20 read:

21 71095. (a) The chancellor's office, in consultation with the
22 ~~Governor's Office of Emergency Services~~ *California Emergency*
23 *Management Agency* and the Office of Homeland Security, shall,
24 by January 1, 2009, develop emergency preparedness standards
25 and guidelines to assist community college districts and campuses
26 in the event of a natural disaster, hazardous condition, or terrorist
27 activity on or around a community college campus.

28 (b) The standards and guidelines shall be developed in
29 accordance with the Standardized Emergency Management System
30 and the National Incident Management System, and shall be
31 reviewed by the ~~Governor's Office of Emergency Services~~
32 *California Emergency Management Agency* in a manner that is
33 consistent with existing policy. In developing the standards and
34 guidelines, the chancellor's office shall consider, but is not limited
35 to, all of the following components:

36 (1) Information on establishing a campus emergency
37 management team.

38 (2) Provisions regarding overview training for every employee
39 within one year of commencement of employment.

1 (3) Information on specialized training for employees who may
2 be designated as part of an emergency management team.

3 (4) Information on preparedness, prevention, response, recovery,
4 and mitigation policies and procedures.

5 (5) Information on coordinating with the appropriate local, state,
6 and federal government authorities, and nongovernmental entities
7 on comprehensive emergency management and preparedness
8 activities.

9 SEC. 13. Section 94600 of the Education Code is amended to
10 read:

11 94600. (a) ~~The Office of Emergency Services California~~
12 *Emergency Management Agency* shall develop guidelines for
13 private colleges and universities to use in developing emergency
14 evacuation plans for all forms of student housing owned, operated,
15 and offered by private colleges and universities, both on campus
16 and off campus. In developing the guidelines, the ~~Office of~~
17 ~~Emergency Services California~~ *Emergency Management Agency*
18 shall consider Sections 3.09 and 3.13 of Title 19 of the California
19 Code of Regulations. The guidelines shall address all of the
20 following issues:

21 (1) Plan content. The plans should include, but need not be
22 limited to, the following:

23 (A) Specific evacuation routes that recognize the needs of
24 persons with special needs, such as persons with disabilities.

25 (B) The designation of a meeting place or places upon
26 evacuation.

27 (C) The education of students and staff in emergency procedures.

28 (2) The implementation and maintenance of the evacuation plan
29 by the Director of Student Housing, or other appropriate officer,
30 at individual campuses. The director, or other appropriate officer,
31 is responsible for scheduling periodic tests of the plan and
32 implementing changes as needed.

33 (b) Each private college or university shall establish an
34 emergency evacuation plan for its postsecondary student housing
35 and may consult with the ~~Office of Emergency Services California~~
36 *Emergency Management Agency* for guidance in developing and
37 establishing the plan.

38 SEC. 14. Section 298 of the Family Code is amended to read:

39 298. (a) (1) The Secretary of State shall prepare forms entitled
40 “Declaration of Domestic Partnership” and “Notice of Termination

1 of Domestic Partnership” to meet the requirements of this division.
2 These forms shall require the signature and seal of an
3 acknowledgment by a notary public to be binding and valid.

4 (2) When funding allows, the Secretary of State shall include
5 on the form notice that a lesbian, gay, bisexual, and transgender
6 specific domestic abuse brochure is available upon request.

7 (b) (1) The Secretary of State shall distribute these forms to
8 each county clerk. These forms shall be available to the public at
9 the office of the Secretary of State and each county clerk.

10 (2) The Secretary of State shall, by regulation, establish fees
11 for the actual costs of processing each of these forms, and the cost
12 for preparing and sending the mailings and notices required
13 pursuant to Section 299.3, and shall charge these fees to persons
14 filing the forms.

15 (3) There is hereby established a fee of twenty-three dollars
16 (\$23) to be charged in addition to the existing fees established by
17 regulation to persons filing domestic partner registrations pursuant
18 to Section 297 for development and support of a lesbian, gay,
19 bisexual, and transgender curriculum for training workshops on
20 domestic violence, conducted pursuant to Section 13823.15 of the
21 Penal Code, and for the support of a grant program to promote
22 healthy nonviolent relationships in the lesbian, gay, bisexual, and
23 transgender community. This paragraph shall not apply to persons
24 of opposite sexes filing a domestic partnership registration and
25 who meet the qualifications described in subparagraph (B) of
26 paragraph (5) of subdivision (b) of Section 297.

27 (4) The fee established by paragraph (3) shall be deposited in
28 the Equality in Prevention and Services for Domestic Abuse Fund,
29 which is hereby established. The fund shall be administered by
30 the ~~Office of Emergency Services~~ *California Emergency*
31 *Management Agency*, and expenditures from the fund shall be used
32 to support the purposes of paragraph (3).

33 (c) The Declaration of Domestic Partnership shall require each
34 person who wants to become a domestic partner to (1) state that
35 he or she meets the requirements of Section 297 at the time the
36 form is signed, (2) provide a mailing address, (3) state that he or
37 she consents to the jurisdiction of the Superior Courts of California
38 for the purpose of a proceeding to obtain a judgment of dissolution
39 or nullity of the domestic partnership or for legal separation of
40 partners in the domestic partnership, or for any other proceeding

1 related to the partners' rights and obligations, even if one or both
2 partners ceases to be a resident of, or to maintain a domicile in,
3 this state, (4) sign the form with a declaration that representations
4 made therein are true, correct, and contain no material omissions
5 of fact to the best knowledge and belief of the applicant, and (5)
6 have a notary public acknowledge his or her signature. Both
7 partners' signatures shall be affixed to one Declaration of Domestic
8 Partnership form, which form shall then be transmitted to the
9 Secretary of State according to the instructions provided on the
10 form. Filing an intentionally and materially false Declaration of
11 Domestic Partnership shall be punishable as a misdemeanor.

12 (d) The Declaration of Domestic Partnership form shall contain
13 an optional section for either party or both parties to indicate a
14 change in name pursuant to Section 298.6. The optional section
15 shall require a party indicating a change in name to provide his or
16 her date of birth.

17 SEC. 15. Section 3862 of the Fish and Game Code is amended
18 to read:

19 3862. The Resources Agency, in consultation with the
20 department, the Department of Food and Agriculture, the State
21 Department of Health Services, the ~~Office of Emergency Services~~
22 *California Emergency Management Agency*, and the University
23 of California, shall develop and implement a plan for the
24 surveillance, monitoring, sampling, diagnostic testing, and
25 reporting of avian influenza in wild birds and animals in the state.
26 The Resources Agency shall consult with the United States Fish
27 and Wildlife Service and the United States Department of Food
28 and Agriculture in developing the plan.

29 SEC. 16. Section 3863 of the Fish and Game Code is amended
30 to read:

31 3863. (a) The Secretary of the Resources Agency shall formally
32 establish the Avian Influenza Working Group to assist in the
33 development of the plan described in Section 3862. The Avian
34 Influenza Working Group shall utilize, as guidance for early
35 detection, the national protocol that has been developed to guide
36 states in developing state-specific plans, known as the Early
37 Detection System for Asian H5N1 Highly Pathogenic Avian
38 Influenza in Wild Migratory Birds. The Avian Influenza Working
39 Group shall also continue, enhance, and facilitate the work already
40 begun by the department, other state departments, and the

1 University of California, to coordinate communication of
2 information and response plans for highly pathogenic avian
3 influenza in wild birds.

4 (b) The Avian Influenza Working Group shall be composed of
5 all of the following members:

6 (1) The Secretary of the Resources Agency, or a designee.

7 (2) The director, or a designee.

8 (3) The Secretary of Food and Agriculture, or a designee.

9 (4) The Director of Health Services, or a designee.

10 (5) ~~The Director of the Office of Emergency Services~~ *Secretary*
11 *of the California Emergency Management Agency*, or a designee.

12 (6) One representative appointed by the Regents of the
13 University of California.

14 (7) Two representatives from a qualified research organization
15 or other qualified nongovernmental organization appointed by the
16 Secretary of the Resources Agency.

17 (c) The director shall chair the Avian Influenza Working Group.

18 (d) A majority of the Avian Influenza Working Group shall
19 constitute a quorum for the transaction of business.

20 (e) The duties of the Avian Influenza Working Group shall
21 include all of the following:

22 (1) Developing strategies for the detection of, and response to,
23 the avian influenza virus in wild birds in California.

24 (2) Fostering communication among state and federal agencies
25 regarding the avian influenza surveillance program.

26 (3) Developing strategies for public outreach and education.

27 (f) The Avian Influenza Working Group may consult with other
28 public and nonprofit groups potentially affected by avian influenza
29 in wild birds.

30 SEC. 17. Section 179.7 of the Government Code is amended
31 to read:

32 179.7. (a) Notwithstanding Article 6 of the Emergency
33 Management Assistance Compact, as set forth in Section 179.5,
34 the state shall indemnify and make whole any officer or employee
35 who is a resident of California, or his or her heirs, if the officer or
36 employee is injured or killed in another state when rendering aid
37 pursuant to the compact, as if the act or acts occurred in California,
38 less any recovery obtained under the provisions of Article 6 of the
39 Emergency Management Assistance Compact.

(b) Local government or special district personnel who are officially deployed under the provisions of the Emergency Management Assistance Compact pursuant to an assignment of the ~~Office of Emergency Services~~ *California Emergency Management Agency* shall be defended by the Attorney General or other legal counsel provided by the state, and shall be indemnified subject to the same conditions and limitations applicable to state employees.

SEC. 18. Section 955.1 of the Government Code is amended to read:

955.1. (a) The science of earthquake prediction is developing rapidly and, although still largely in a research stage, such predictions are now being initiated and are certain to continue into the future. Administrative procedures exist within the ~~Office of Emergency Services~~ *California Emergency Management Agency* to advise the Governor on the validity of earthquake predictions. Numerous important actions can be taken by state and local governments and special districts to protect life and property in response to earthquake predictions and associated warnings. It is the intent of this legislation to insure that such actions are taken in the public interest by government agencies acting in a responsible manner without fear of consequent financial liabilities.

(b) The Governor may, at his or her discretion, issue a warning as to the existence of an earthquake or volcanic prediction determined to have scientific validity. The state and its agencies and employees shall not be liable for any injury resulting from the issuance or nonissuance of a warning pursuant to this subdivision or for any acts or omissions in fact gathering, evaluation, or other activities leading up to the issuance or nonissuance of a warning.

(c) Public entities and public employees may, on the basis of a warning issued pursuant to subdivision (b), take, or fail or refuse to take, any action or execute or fail or refuse to execute any earthquake or volcanic prediction response plan with relation to the warning which is otherwise authorized by law. In taking, or failing or refusing to take such action, neither public entities nor public employees shall be liable for any injuries caused thereby or for any injuries resulting from the preparation of, or failure or refusal to prepare, any earthquake hazard or damage prediction maps, plans for evacuation of endangered areas, and other plan elements.

(d) An earthquake or volcanic warning issued by the Governor pursuant to subdivision (b) is a sufficient basis for a declaration of a state of emergency or local emergency as defined by Section 8558. Public entities and public employees shall be immune from liability in accordance with all immunity provisions applicable during such state of emergency or local emergency.

SEC. 19. Section 3102 of the Government Code is amended to read:

3102. (a) All disaster service workers shall, before they enter upon the duties of their employment, take and subscribe to the oath or affirmation required by this chapter.

(b) In the case of intermittent, temporary, emergency or successive employments, then in the discretion of the employing agency, an oath taken and subscribed as required by this chapter shall be effective for the purposes of this chapter for all successive periods of employment which commence within one calendar year from the date of that subscription.

(c) Notwithstanding subdivision (b), the oath taken and subscribed by a person who is a member of an emergency organization sanctioned by a state agency or an accredited disaster council, whose members are duly enrolled or registered with the ~~Office of Emergency Services~~ *California Emergency Management Agency*, or any accredited disaster council of any political subdivision, shall be effective for the period the person remains a member with that organization.

SEC. 20. Section 6254.23 of the Government Code is amended to read:

6254.23. Nothing in this chapter or any other provision of law shall require the disclosure of a risk assessment or railroad infrastructure protection program filed with the Public Utilities Commission, the Director of Homeland Security, and the ~~Office of Emergency Services~~ *California Emergency Management Agency* pursuant to Article 7.3 (commencing with Section 7665) of Chapter 1 of Division 4 of the Public Utilities Code.

SEC. 21. The heading of Article 5 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2 of the Government Code is amended to read:

Article 5. ~~Office of Emergency Services~~ *California Emergency Management Agency*

1 SEC. 22. Section 8574.20 of the Government Code is amended
2 to read:

3 8574.20. The California Emergency Management Agency shall
4 manage the California Hazardous Substances Incident Response
5 Training and Education Program to provide approved classes in
6 hazardous substance response, taught by trained instructors, and
7 to certify students who have completed these classes. To carry out
8 this program, the California Emergency Management Agency shall
9 do all of the following:

10 (a) Adopt regulations necessary to implement the program.

11 (b) Establish a training and education program by developing
12 the curriculum to be used in the program in colleges, academies,
13 the California Specialized Training Institute, and other educational
14 institutions, as specified in Section 8574.21.

15 (c) Establish recommended minimum standards for training
16 emergency response personnel and instructors, including, but not
17 limited to, fire, police, and environmental health personnel.

18 (d) Make available a training and education program in the use
19 of hazardous substances emergency rescue, safety, and monitoring
20 equipment, on a voluntary basis, at the California Specialized
21 Training Institute.

22 (e) Train and certify instructors at the California Specialized
23 Training Institute according to standards and procedures developed
24 by the curriculum development advisory committee, as specified
25 in Section ~~8574.21~~ 8588.10.

26 (f) Approve classes, as meeting the requirements of the program,
27 if the classes meet the curriculum developed by the California
28 Emergency Management Agency pursuant to Section 8574.21 and
29 the instructor received training and certification at the California
30 Specialized Training Institute, as specified in subdivision (e).

31 (g) Certify students who have successfully completed a class
32 approved as meeting the requirements of the program.

33 (h) Review and revise, as necessary, the program.

34 (i) Establish and collect admission fees and other fees that may
35 be necessary to be charged for advanced or specialized training
36 given at the California Specialized Training Institute. These fees
37 shall be used to offset costs incurred pursuant to this article.

38 SEC. 23. Section 8574.21 of the Government Code is amended
39 to read:

1 8574.21. (a) The California Emergency Management Agency
2 shall develop the curriculum to be used in classes that meet the
3 program requirements and shall adopt standards and procedures
4 for training instructors at the California Specialized Training
5 Institute.

6 (b) The curriculum for the training and education program
7 established pursuant to this article shall include all of the following
8 aspects of hazardous substance incident response actions:

- 9 (1) First responder training.
10 (2) On-scene manager training.
11 (3) Hazardous substance incident response training for
12 management personnel.
13 (4) Hazardous materials specialist training that equals or exceeds
14 the standards of the National Fire Protection Association.

15 (5) Environmental monitoring.
16 (6) Hazardous substance release investigations.
17 (7) Hazardous substance incident response activities at ports.
18 ~~(e) The California Emergency Management Agency shall~~
19 ~~establish a curriculum development advisory committee, which~~
20 ~~shall consist of a representative from each of the following agencies~~
21 ~~or organizations:~~

- 22 ~~(1) The California Emergency Management Agency.~~
23 ~~(2) The Office of the State Fire Marshal.~~
24 ~~(3) The Department of Toxic Substances Control.~~
25 ~~(4) The Department of Fish and Game.~~
26 ~~(5) The State Water Resources Control Board.~~
27 ~~(6) The Department of the California Highway Patrol.~~
28 ~~(7) The California Police Chiefs' Association.~~
29 ~~(8) The California Fire Chiefs' Association.~~
30 ~~(9) The Commission on Police Officer Standards and Training.~~
31 ~~(10) The California District Attorneys' Association.~~
32 ~~(11) The Department of Forestry and Fire Protection.~~
33 ~~(12) The Emergency Medical Services Authority.~~
34 ~~(13) The Department of Transportation.~~
35 ~~(14) The Environmental Protection Agency.~~
36 ~~(15) The Chemical Industry Council of California.~~
37 ~~(16) The California Manufacturers Association.~~
38 ~~(17) The California Conference of Local Health Officers.~~
39 ~~(18) The University of California.~~
40 ~~(19) The California State Fireman's Association.~~

1 ~~(20) The California State University.~~

2 ~~(21) The California Professional Firefighters.~~

3 ~~(22) The California Association of Highway Patrolmen.~~

4 ~~(23) The Office of Environmental Health Hazard Assessment.~~

5 ~~(d)~~

6 (c) The curriculum development advisory committee *described*
7 *in Section 8588.10* shall advise the California Emergency
8 Management Agency on the development of course curricula and
9 the standards and procedures specified in subdivision (a). In
10 advising the California Emergency Management Agency, the
11 committee shall do the following:

12 (1) Assist, and cooperate with, representatives of the Board of
13 Governors of the California Community Colleges in developing
14 the course curricula.

15 (2) Ensure that the curriculum developed pursuant to this section
16 is accredited by the State Board of Fire Services.

17 (3) Define equivalent training and experience considered as
18 meeting the initial training requirements as specified in subdivision
19 (a) that existing employees might have already received from actual
20 experience or formal education undertaken, and which would
21 qualify as meeting the requirements established pursuant to this
22 article.

23 ~~(e) The representative from the California Emergency~~
24 ~~Management Agency shall serve as the chairperson of the~~
25 ~~curriculum development advisory committee.~~

26 ~~(f) After the course curricula and standards are established~~
27 ~~pursuant to subdivision (a), the curriculum development advisory~~
28 ~~committee shall meet at least once each year to review the program~~
29 ~~and advise the California Emergency Management Agency on any~~
30 ~~required revisions.~~

31 ~~(g) The California Emergency Management Agency shall make~~
32 ~~the curriculum development advisory committee a subcommittee~~
33 ~~of the Curriculum Advisory Board of the California Specialized~~
34 ~~Training Institute.~~

35 ~~(h)~~

36 (d) This article does not affect the authority of the State Fire
37 Marshal granted pursuant to Section 13142.4 or 13159 of the
38 Health and Safety Code.

39 (i)

1 (e) Upon completion of instructor training and certification
2 pursuant to subdivision (e) of Section 8574.20 by any employee
3 of the Department of the California Highway Patrol, the
4 Commissioner of the California Highway Patrol may deem any
5 training programs taught by that employee to be equivalent to any
6 training program meeting the requirements established pursuant
7 to this article.

8 SEC. 24. Section 8576 of the Government Code is amended
9 to read:

10 8576. (a) The Governor shall be ex officio Chairperson of the
11 Emergency Council.

12 (b) ~~The Office of Emergency Services~~ *California Emergency*
13 *Management Agency* shall provide staff support to the Emergency
14 Council as necessary.

15 SEC. 25. Section 8579 of the Government Code is amended
16 to read:

17 8579. (a) It shall be the duty of the Emergency Council, and
18 it is hereby empowered, to act as an advisory body to the Governor
19 in times of emergency and with reference thereto in order to
20 minimize the effects of those occurrences by recommending
21 ameliorative action.

22 (b) The powers and duties of the Emergency Council shall
23 include all of the following:

24 (1) To consider, recommend, and approve orders and regulations
25 that are within the province of the Governor to promulgate.

26 (2) To consider and recommend to the Governor for approval
27 the boundaries of any mutual aid regions of the state as may be
28 designated.

29 (3) To recommend to the Governor the assignment of any
30 responsibility, service, or activity relative to emergencies or
31 emergency planning to a state agency having duties related to that
32 responsibility, service, or activity.

33 (4) To consider and recommend the creation by the Governor
34 of advisory committees in order to make civilian participation and
35 cooperation in emergency planning and activities available to the
36 state.

37 (5) To consider and recommend the expenditures of moneys
38 appropriated for any of the objectives or purposes of this chapter.

39 (6) To consider and recommend to the Governor for approval
40 a State Emergency Plan built around mutual aid and the integration

1 into that plan of the several state agencies whose resources are
2 necessary in coping with emergencies.

3 (7) To encourage the development and maintenance of
4 emergency plans based on mutual aid, whereunder political
5 subdivisions may most effectively protect life and property and
6 mitigate other effects of emergencies.

7 (8) To evaluate and report to the Governor on state
8 communications systems with particular regard to their adequacy
9 in case of emergency.

10 (9) To encourage the individual and integrated emergency
11 preparedness efforts of communities, businesses, and schools.

12 (c) (1) The Emergency Council shall, at a minimum, have the
13 following two standing advisory committees, with members
14 selected by the Governor:

15 (A) An advisory committee composed of representatives of
16 volunteer organizations that aid or prepare their communities for
17 potential disasters.

18 (B) An advisory committee composed of the business leaders
19 representing businesses in the state that will work in partnership
20 with government to prepare businesses and communities for
21 potential disasters.

22 (2) The duties of the advisory committees shall include, but not
23 be limited to, all of the following:

24 (A) Developing and promoting statewide initiatives and
25 programs to better prepare communities, businesses, and schools
26 to survive disasters.

27 (B) Advising the Emergency Council on how public, private,
28 and nonprofit entities can provide resources, assets, personnel,
29 volunteers, and any other relevant services to fully integrate the
30 private sector into the state's emergency preparedness, mitigation,
31 response, and recovery plans.

32 (C) Advising the Emergency Council on appropriate agreements
33 to provide for quick access to emergency supplies and services in
34 order to minimize the need to stockpile those supplies.

35 (3) The members of the advisory committees shall receive no
36 compensation for their service.

37 (d) When the Emergency Council is not meeting, the ~~Office of~~
38 ~~Emergency Services~~ *California Emergency Management Agency*
39 shall provide notice to the members of the council of any state of
40 emergency proclaimed by the Governor pursuant to Section 8558,

1 as soon as practical after the issuance of the proclamation. The
2 notification shall include the status of emergency activities.

3 SEC. 26. Section 8581.5 of the Government Code is repealed.

4 ~~8581.5. The Emergency Council shall publish a biennial report~~
5 ~~on the state of emergency preparedness for catastrophic disasters.~~
6 ~~This report shall include information from the after action analysis~~
7 ~~of disasters in the preceding two years, research directed by the~~
8 ~~Emergency Council, and surveys of local and state emergency~~
9 ~~response agencies. The biennial report shall also include a summary~~
10 ~~of strategic actions necessary to address identified gaps in~~
11 ~~emergency preparedness and an evaluation of previous efforts to~~
12 ~~close gaps identified in previous reports, audits, and independent~~
13 ~~analyses.~~

14 SEC. 27. Section 8585 of the Government Code is amended
15 to read:

16 8585. (a) (1) There is in state government, ~~within the office~~
17 ~~of the Governor,~~ the California Emergency Management Agency.
18 The California Emergency Management Agency shall be under
19 the supervision of ~~a the~~ Secretary of ~~California the~~ Emergency
20 Management Agency, who shall have all rights and powers of a
21 head of an agency as provided by this code, *and shall be referred*
22 *to as the Secretary of Emergency Management.*

23 (2) Unless the context clearly requires otherwise, whenever the
24 term “Office of Emergency Services” appears in any statute,
25 regulation, or contract, it shall be construed to refer to the
26 California Emergency Management Agency, and whenever the
27 term “Director of Emergency Services” or the “Director of the
28 Office of Emergency Services” appears in statute, regulation, or
29 contract, it shall be construed to refer to the Secretary of ~~California~~
30 Emergency Management.

31 (3) Unless the context clearly requires otherwise, whenever the
32 term “Director of Homeland Security” or “Office of Homeland
33 Security” appears in any statute, regulation, or contract, it shall be
34 construed to refer to the California Emergency Management
35 Agency, and whenever the term “Director of Homeland Security”
36 or “Director of the Office of Homeland Security” appears in any
37 statute, regulation, or contract, it shall be construed to refer to the
38 Secretary of ~~California~~ Emergency Management.

39 (b) (1) The California Emergency Management Agency and
40 the Secretary of ~~California~~ Emergency Management succeed to

1 and are vested with all the duties, powers, purposes,
2 responsibilities, and jurisdiction vested in the Office of Emergency
3 Services and the Director of the Office of Emergency Services,
4 respectively.

5 (2) The California Emergency Management Agency and the
6 Secretary of ~~California~~ Emergency Management succeed to and
7 are vested with all the duties, powers, purposes, responsibilities,
8 and jurisdiction vested in the Office of Homeland Security and the
9 Director of Homeland Security, respectively.

10 (c) The California Emergency Management Agency shall be
11 considered a law enforcement organization as required for receipt
12 of criminal intelligence information pursuant to subdivision (f) of
13 Section 6254 of the Government Code by persons employed within
14 the agency whose duties and responsibilities require the authority
15 to access criminal intelligence information.

16 (d) Persons employed by the California Emergency Management
17 Agency whose duties and responsibilities require the authority to
18 access criminal intelligence information shall be furnished state
19 summary criminal history information as described in Section
20 11105 of the Penal Code, if needed in the course of their duties.

21 (e) The California Emergency Management Agency shall be
22 responsible for the state's emergency and disaster response services
23 for natural, technological, or manmade disasters and emergencies,
24 including responsibility for activities necessary to prevent, respond
25 to, recover from, and mitigate the effects of emergencies and
26 disasters to people and property.

27 (f) Notwithstanding any other provision of law, nothing in this
28 section shall authorize an employee of the California Emergency
29 Management Agency to access criminal intelligence information
30 under subdivision (c) or (d) for the purpose of determining
31 eligibility for, or providing access to, disaster-related assistance
32 and services.

33 SEC. 28. Section 8585.05 is added to the Government Code,
34 to read:

35 8585.05. Unless the context otherwise requires, for purpose of
36 this article, the following definitions apply:

37 (a) "Agency" means the California Emergency Management
38 Agency.

39 (b) "Secretary" means the Secretary of Emergency Management.

1 SEC. 29. Section 8585.1 of the Government Code is amended
2 to read:

3 8585.1. (a) ~~The Secretary of California Emergency~~
4 ~~Management~~ *secretary* shall be appointed by, and hold office at
5 the pleasure of, the Governor. The appointment of the secretary is
6 subject to confirmation by the Senate. The secretary shall
7 coordinate all state disaster response, emergency planning,
8 emergency preparedness, disaster recovery, disaster mitigation,
9 and homeland security activities.

10 (b) ~~The Secretary of California Emergency Management~~
11 ~~secretary~~ shall receive an annual salary as set forth in Section
12 11550.

13 (c) The Governor may appoint an ~~Undersecretary of California~~
14 ~~Emergency Management~~ *undersecretary of the agency*. The
15 undersecretary shall hold office at the pleasure of the Governor.

16 (d) All positions exempt from civil service that existed in the
17 predecessor agencies shall be transferred to the agency.

18 (e) Neither state nor federal funds may be expended to pay the
19 salary or benefits of any deputy or employee who may be appointed
20 by the secretary or undersecretary pursuant to Section 4 of Article
21 VII of the California Constitution.

22 SEC. 30. Section 8585.2 of the Government Code is amended
23 to read:

24 8585.2. (a) All employees serving in state civil service, other
25 than temporary employees, who are engaged in the performance
26 of functions transferred to the ~~California Emergency Management~~
27 ~~Agency~~ *agency* or engaged in the administration of law, the
28 administration of which is transferred to the ~~California Emergency~~
29 ~~Management Agency~~ *agency*, are transferred to the agency. The
30 status, positions, and rights of those persons shall not be affected
31 by their transfer and shall continue to be retained by them pursuant
32 to the State Civil Service Act (Part 2 (commencing with Section
33 18500) of Division 5), except as to positions the duties of which
34 are vested in a position exempt from civil service. The personnel
35 records of all transferred employees shall be transferred to the
36 ~~California Emergency Management Agency~~ *agency*.

37 (b) The property of any agency or department related to
38 functions transferred to the California Emergency Management
39 Agency; is transferred to the agency. If any doubt arises as to where

1 that property is transferred, the Department of General Services
2 shall determine where the property is transferred.

3 (c) All unexpended balances of appropriations and other funds
4 available for use in connection with any function or the
5 administration of any law transferred to the ~~California Emergency~~
6 ~~Management Agency~~ agency shall be transferred to the agency for
7 use for the purpose for which the appropriation was originally
8 made or the funds were originally available. If there is any doubt
9 as to where those balances and funds are transferred, the
10 Department of Finance shall determine where the balances and
11 funds are transferred.

12 (d) *Beginning July 1, 2011, and biennially thereafter, the*
13 *California Emergency Management Agency shall submit a report*
14 *to the Legislature as described in this subdivision. The California*
15 *Emergency Management Agency may consult with other public*
16 *safety agencies, including the California Emergency Council, in*
17 *the development of this report. The report shall include information*
18 *on all of the following:*

19 (1) *Agency progress in all of its primary program areas.*

20 (2) *Agency allocation of grants to local agencies and nonprofit*
21 *organizations.*

22 (3) *Any identified gaps in program progress or efficiency.*

23 (4) *Agency strategy for program improvements, investments,*
24 *and goals for the next two years.*

25 ~~(d) The California Emergency Management Agency shall submit~~
26 ~~a report to the Joint Legislative Committee on Emergency Services~~
27 ~~and Homeland Security on or before January 1, 2010, regarding~~
28 ~~the successes and failures of the consolidation of the Office of~~
29 ~~Homeland Security and the Office of Emergency Services;~~
30 ~~including, but not limited to, any efficiencies achieved.~~

31 ~~(e) As part of the 2009-10 budget, the California Emergency~~
32 ~~Management Agency shall propose a spending and staff~~
33 ~~consolidation plan.~~

34 SEC. 31. Section 8585.5 of the Government Code is amended
35 to read:

36 8585.5. ~~The Office of Emergency Services~~ agency shall
37 establish by rule and regulation various classes of disaster service
38 workers and the scope of the duties of each class. ~~The Office of~~
39 ~~Emergency Services~~ agency shall also adopt rules and regulations
40 prescribing the manner in which disaster service workers of each

1 class are to be registered. All of the rules and regulations shall be
2 designed to facilitate the payment of workers' compensation.

3 SEC. 32. Section 8585.7 of the Government Code is amended
4 to read:

5 8585.7. The ~~Office of Emergency Services~~ *agency* may certify
6 the accredited status of local disaster councils, subject to the
7 requirements of Section 8612.

8 SEC. 33. Section 8588 of the Government Code is amended
9 to read:

10 8588. Whenever conditions exist within any region or regions
11 of the state which warrant the proclamation by the Governor of a
12 state of emergency and the Governor has not acted under the
13 provisions of Section 8625, by reason of the fact that the Governor
14 has been inaccessible, the ~~Secretary of California Emergency~~
15 ~~Management~~ *secretary* may proclaim the existence of a state of
16 emergency in the name of the Governor as to any region or regions
17 of the state. Whenever the ~~Secretary of California Emergency~~
18 ~~Management~~ *secretary* has so proclaimed a state of emergency,
19 that action shall be ratified by the Governor as soon as the
20 Governor becomes accessible, and in the event the Governor does
21 not ratify the action, the Governor shall immediately terminate the
22 state of emergency as proclaimed by the ~~Secretary of California~~
23 ~~Emergency Management~~ *secretary*.

24 SEC. 34. Section 8588.1 of the Government Code is amended
25 to read:

26 8588.1. (a) The Legislature finds and declares that this state
27 can only truly be prepared for the next disaster if the public and
28 private sector collaborate.

29 (b) The ~~California Emergency Management Agency~~ *agency*
30 may, as appropriate, include private businesses and nonprofit
31 organizations within its responsibilities to prepare the state for
32 disasters under this chapter. All participation by businesses and
33 nonprofit associations in this program shall be voluntary.

34 (c) The agency may do any of the following:

35 (1) Provide guidance to business and nonprofit organizations
36 representing business interests on how to integrate private sector
37 emergency preparedness measures into governmental disaster
38 planning programs.

39 (2) Conduct outreach programs to encourage business to work
40 with governments and community associations to better prepare

1 the community and their employees to survive and recover from
2 disasters.

3 (3) Develop systems so that government, businesses, and
4 employees can exchange information during disasters to protect
5 themselves and their families.

6 (4) Develop programs so that businesses and government can
7 work cooperatively to advance technology that will protect the
8 public during disasters.

9 (d) The agency may share facilities and systems for the purposes
10 of subdivision (b) with the private sector to the extent the costs
11 for their use are reimbursed by the private sector.

12 (e) Proprietary information or information protected by state or
13 federal privacy laws shall not be disclosed under this program.

14 (f) Notwithstanding Section 11005, donations and private grants
15 may be accepted by the agency and shall not be subject to Section
16 11005.

17 (g) The Disaster Resistant Communities Fund is hereby created
18 in the State Treasury. Upon appropriation by the Legislature, the
19 ~~Secretary of California Emergency Management~~ *secretary* may
20 expend the money in the account for the costs associated within
21 this section.

22 (h) This section shall be implemented only to the extent that
23 in-kind contributions or donations are received from the private
24 sector, or grant funds are received from the federal government,
25 for these purposes.

26 SEC. 35. Section 8588.2 of the Government Code is amended
27 to read:

28 8588.2. (a) ~~The Office of Emergency Services~~ *agency* may
29 establish a statewide registry of private businesses and nonprofit
30 organizations that are interested in donating services, goods, labor,
31 equipment, resources, or dispensaries or other facilities to further
32 the purposes of Section 8588.1.

33 (b) ~~If the Office of Emergency Services~~ *agency* establishes a
34 statewide registry pursuant to subdivision (a), ~~the office~~ *agency*
35 shall create and implement protocols and procedures for inclusion
36 onto the statewide registry that do, but are not limited to, all of the
37 following:

38 (1) Establish eligibility requirements for a private business or
39 nonprofit organization to be included on the statewide registry.

1 (2) Require the services, goods, labor, equipment, resources, or
2 dispensaries or other facilities donated by a private business or
3 nonprofit organization included on the statewide registry to be
4 provided at no cost to state governmental entities or the victims
5 of emergencies and disasters.

6 (3) Require the services, goods, labor, equipment, resources, or
7 dispensaries or other facilities donated by a private business or
8 nonprofit organization included on the statewide registry to be
9 safely collected, maintained, and managed.

10 (4) Require that federal, state, and local governmental entities
11 and nonprofit organizations that are engaged in assisting
12 communities prepare for, respond to, or recover from emergencies
13 and disasters have access to the statewide registry.

14 (c) A private business or nonprofit organization included on the
15 statewide registry shall reasonably determine all of the following:

16 (1) Donated services, goods, labor, equipment, resources, or
17 dispensaries or other facilities comply with all applicable federal
18 and state safety laws and licensing requirements.

19 (2) Donated services, goods, labor, equipment, resources, or
20 dispensaries or other facilities have not been altered, misbranded,
21 or stored under conditions contrary to the standards set forth under
22 federal or state laws or by the product manufacturer.

23 (3) Donated medicine shall be unopened, in tamper-resistant
24 packaging or modified unit dose containers that meet United States
25 Pharmacopeia standards, and show lot numbers and expiration
26 dates. Medicine that does not meet these standards shall not be
27 donated.

28 SEC. 36. Section 8588.3 of the Government Code is amended
29 to read:

30 8588.3. (a) The Legislature finds and declares that it is the
31 responsibility of the State of California to protect and preserve the
32 right of its citizens to a safe and peaceful existence. To accomplish
33 this goal and to minimize the destructive impact of disasters and
34 other massive emergencies, the actions of numerous public
35 agencies must be coordinated to effectively manage all four phases
36 of emergency activity: preparedness, mitigation, response, and
37 recovery. In order to ensure that the state's response to disasters
38 or massive emergencies is effective, specialized training is
39 necessary.

(b) The California Specialized Training Institute of the office of the Adjutant General is hereby transferred to the ~~California Emergency Management Agency~~ *agency*. The institute shall assist the Governor in providing, pursuant to subdivision (f) of Section 8570, training to state agencies, cities, and counties in their planning and preparation for disasters.

(c) The ~~Secretary of California Emergency Management~~ *secretary* may solicit, receive, and administer funds or property from federal, state, or other public agency sources for the support and operation of the institute.

(d) The ~~Secretary of California Emergency Management~~ *secretary* may solicit and receive firearms, other weaponry, explosive materials, chemical agents, and other items confiscated by or otherwise in the possession of law enforcement officers as donations to the institute if he or she deems them to be appropriate for the institute's training purposes.

(e) Any moneys received by the ~~Secretary of California Emergency Management~~ *secretary* from charges or fees imposed in connection with the operation of the institute shall be deposited in the General Fund.

SEC. 37. Section 8588.4 of the Government Code is repealed.

8588.4. (a) The California Highway Patrol in cooperation with the Office of Emergency Services and the California National Guard and in consultation with the United States Coast Guard and all relevant federal, state, and local transportation and law enforcement agencies, shall perform a risk assessment of California's transportation system. The scope of this assessment shall include, but not be limited to, the transportation infrastructure within the scope of the California Highway Patrol's responsibilities. The assessment may not necessarily involve an inspection or examination of each individual facility and service but rather an overview of any risk that may exist within California's transportation system. For each potential threat or security deficiency identified in the risk assessment, there shall be included one or more recommended measures to mitigate those risks.

(b) The California Highway Patrol shall submit a confidential report of its findings and recommendations to the Governor, the Speaker of the Assembly, the President pro Tempore of the Senate, the minority leader of the Assembly, and the minority leader of the Senate not later than January 1, 2003.

1 SEC. 38. Section 8588.5 of the Government Code is amended
2 to read:

3 8588.5. To promote an increase in the number of trained
4 disaster search dog teams, the ~~Office of Emergency Services~~
5 ~~agency~~ shall do all of the following:

6 (a) Provide instruction to California disaster dog trainers in
7 Swiss techniques.

8 (b) Work to secure authorization to conduct training for disaster
9 search dog teams at existing facilities operated by the California
10 National Guard and the Department of Transportation on the
11 grounds of Camp San Luis Obispo.

12 (c) Engage in recruiting activities for the purpose of increasing
13 the number of disaster search dog teams in southern California.

14 (d) Reimburse disaster search dog handlers and instructors for
15 the costs of their travel and that of their dogs to training facilities
16 within California.

17 SEC. 39. Section 8588.10 of the Government Code is repealed.

18 ~~8588.10. (a) The Emergency Response Training Advisory~~
19 ~~Committee shall be established pursuant to subdivision (d). The~~
20 ~~committee shall recommend the criteria for terrorism awareness~~
21 ~~curriculum content to meet the training needs of state and local~~
22 ~~emergency response personnel and volunteers. In addition, the~~
23 ~~committee shall identify any additional training that would be~~
24 ~~useful and appropriate but that may not be generally available in~~
25 ~~California, and shall make recommendations pertaining to any~~
26 ~~need for training oversight agencies for first responder disciplines~~
27 ~~to expedite their curriculum approval processes.~~

28 ~~(b) Basic terrorism awareness training shall include, but not be~~
29 ~~limited to, the following:~~

30 ~~(1) An overview of conventional, chemical, biological,~~
31 ~~radiological, and nuclear threats.~~

32 ~~(2) Threat and hazard recognition, with an emphasis on ability~~
33 ~~to determine local vulnerabilities.~~

34 ~~(3) Understanding the structure and function of an incident~~
35 ~~command system.~~

36 ~~(4) Initial response actions, including preliminary assessment,~~
37 ~~notifications, resource needs, and safety considerations.~~

38 ~~(5) Coordination with other emergency service first responders.~~

39 ~~(6) Gathering, verifying, assessing, and communicating incident~~
40 ~~information.~~

~~(7) Understanding mass casualty implications and decontamination requirements.~~

~~(8) Balancing lifesaving activities with evidence preservation.~~

~~(9) General awareness and additional training for each of the first responder categories specific to each discipline.~~

~~(e) (1) The Legislature finds and declares that training on terrorism awareness for first responders is of critical importance to the people of California.~~

~~(2) Every agency responsible for development of terrorism awareness training and every agency that employs or uses first responders shall give a high priority to the completion of that training.~~

~~(d) The Emergency Response Training Advisory Committee is hereby created, which shall be chaired by the Secretary of California Emergency Management and shall consist of the following members, or their representatives:~~

~~(1) The California Emergency Management Agency.~~

~~(2) The Commissioner of the California Highway Patrol.~~

~~(3) The Executive Director of the Commission on Peace Officer Standards and Training.~~

~~(4) The State Fire Marshal.~~

~~(5) The Director of Public Health.~~

~~(6) The Director of the Emergency Medical Services Authority.~~

~~(7) The Chairperson of the California Fire Fighter Joint Apprenticeship Committee.~~

~~(8) The Attorney General.~~

~~(9) Nine representatives, appointed by the Governor, comprised of all of the following:~~

~~(A) One police chief from the California Police Chiefs Association.~~

~~(B) One county sheriff from the California State Sheriffs' Association.~~

~~(C) One representative of port security agencies.~~

~~(D) Two fire chiefs, one from the California Fire Chiefs Association and one from the California Metropolitan Fire Chiefs Association.~~

~~(E) Two firefighters, one from a statewide organization that represents career firefighters and one from a statewide organization that represents both career and volunteer firefighters.~~

1 ~~(F) Two law enforcement labor representatives, one from a state~~
2 ~~organization and one from a local organization.~~

3 SEC. 40. Section 8588.10 is added to the Government Code,
4 to read:

5 8588.10. (a) The secretary shall establish a Curriculum
6 Development Advisory Committee to advise the agency on the
7 development of course curricula, as specified by the secretary.

8 (b) The committee shall be chaired by the secretary, who will
9 appoint members as appropriate. In appointing members to the
10 committee, the secretary shall include representatives from the
11 following:

12 (1) State public safety, health, first responder, and emergency
13 services departments or agencies, as deemed appropriate by the
14 secretary.

15 (2) Local first responder agencies.

16 (3) Local public safety agencies.

17 (4) Nonprofit organizations, as deemed appropriate by the
18 secretary.

19 (5) Any other state, local, tribal, or nongovernmental
20 organization determined by the secretary to be appropriate.

21 SEC. 41. Section 8588.11 of the Government Code is amended
22 to read:

23 8588.11. (a) ~~The California Emergency Management Agency~~
24 ~~agency~~ shall contract with the California Fire Fighter Joint
25 Apprenticeship Program to develop a fire service specific course
26 of instruction on the responsibilities of first responders to terrorism
27 incidents. The course shall include the criteria for the curriculum
28 content recommended by the ~~Emergency Response Training~~
29 *Curriculum Development* Advisory Committee established pursuant
30 to Section 8588.10 to address the training needs of both of the
31 following:

32 (1) Firefighters in conformance with the standards established
33 by the State Fire Marshal.

34 (2) Paramedics and other emergency medical services fire
35 personnel in conformance with the standards established by the
36 State Emergency Medical Services Authority.

37 (b) The course of instruction shall be developed in consultation
38 with individuals knowledgeable about consequence management
39 that addresses the topics of containing and mitigating the impact
40 of a terrorist incident, including, but not limited to, a terrorist act

1 using hazardous materials, as well as weapons of mass destruction,
2 including any chemical warfare agent, weaponized biological
3 agent, or nuclear or radiological agent, as those terms are defined
4 in Section 11417 of the Penal Code, by techniques including, but
5 not limited to, rescue, firefighting, casualty treatment, and
6 hazardous materials response and recovery.

7 (c) The contract shall provide for the delivery of training by the
8 California Fire Fighter Joint Apprenticeship Program through
9 reimbursement contracts with the state, local, and regional fire
10 agencies who may, in turn, contract with educational institutions.

11 (d) To maximize the availability and delivery of training, the
12 California Fire Fighter Joint Apprenticeship Program shall develop
13 a course of instruction to train the trainers in the presentation of
14 the first responder training of consequence management for fire
15 service personnel.

16 SEC. 42. Section 8588.12 is added to the Government Code,
17 to read:

18 8588.12. (a) The Curriculum Development Advisory
19 Committee, described in Section 8588.10, shall recommend criteria
20 for terrorism awareness curriculum content to meet the training
21 needs of state and local emergency response personnel and
22 volunteers. In addition, the committee shall identify any additional
23 training that would be useful and appropriate, but that may not be
24 generally available in California, and shall make recommendations
25 pertaining to the need for training oversight agencies for first
26 responder disciplines to expedite their curriculum approval
27 processes.

28 (b) Basic terrorism awareness training shall include, but not be
29 limited to, the following:

30 (1) An overview of conventional, chemical, biological,
31 radiological, and nuclear threats.

32 (2) Threat and hazard recognition, with an emphasis on ability
33 to determine local vulnerabilities.

34 (3) Understanding the structure and function of an incident
35 command system.

36 (4) Initial response actions, including preliminary assessment,
37 notifications, resource needs, and safety considerations.

38 (5) Coordination with other emergency service first responders.

39 (6) Gathering, verifying, assessing, and communicating incident
40 information.

1 (7) Understanding mass casualty implications and
2 decontamination requirements.

3 (8) Balancing lifesaving activities with evidence preservation.

4 (9) General awareness and additional training for each of the
5 first responder categories specific to each discipline.

6 (c) (1) The Legislature finds and declares that training on
7 terrorism awareness for first responders is of critical importance
8 to the people of California.

9 (2) Every agency responsible for development of terrorism
10 awareness training and every agency that employs or uses first
11 responders shall give a high priority to the completion of that
12 training.

13 SEC. 43. Section 8588.15 of the Government Code is amended
14 to read:

15 8588.15. (a) ~~The Director of the Governor's Office of~~
16 ~~Emergency Services~~ *secretary* shall appoint representatives of the
17 disabled community to serve on the evacuation, sheltering,
18 communication, recovery, and other pertinent Standardized
19 Emergency Management System committees, including one
20 representative to the Technical Working Group. Representatives
21 of the disabled community shall, to the extent practicable, be from
22 the following groups:

23 (1) Persons who are blind or visually impaired.

24 (2) Persons with sensory or cognitive disabilities.

25 (3) Persons with physical disabilities.

26 (b) Within the Standardized Emergency Management System
27 structure, the ~~director~~ *secretary* shall ensure, to the extent
28 practicable, that the needs of the disabled community are met by
29 ensuring all committee recommendations regarding preparedness,
30 planning, and procedures relating to emergencies include the needs
31 of people with disabilities.

32 (c) ~~The director shall produce a report containing~~
33 ~~recommendations regarding preparedness, planning, procedures,~~
34 ~~and provision of accessible information on emergency evacuations~~
35 ~~regarding the needs of people with disabilities and submit it to the~~
36 ~~Legislature and appropriate state and local agencies by January 1,~~
37 ~~2009. The recommendations shall include, but not be limited to,~~
38 ~~proposed legislative and regulatory actions, relevant research or~~
39 ~~technology design, and training and exercise considerations.~~

40 (d)

1 (c) The ~~director~~ *secretary* shall prepare and disseminate sample
2 brochures and other relevant materials on preparedness, planning,
3 and procedures relating to emergency evacuations that include the
4 needs of the disabled community, and shall work with
5 nongovernmental associations and entities to make them available
6 in accessible formats, including, but not limited to Braille, large
7 print, and electronic media.

8 (e)

9 (d) The ~~director~~ *secretary* and the State Fire Marshal's office
10 shall seek research funding to assist in the development of new
11 technologies and information systems that will assist in the
12 evacuation of the groups designated in subdivision (a) during
13 emergency and disaster situations.

14 (f)

15 (e) It is the intent of the Legislature for the purpose of
16 implementing this section and to the extent permitted by federal
17 law, that funds may be used from the Federal Trust Fund from
18 funds received from the federal Department of Homeland Security
19 for implementation of homeland security programs.

20 SEC. 44. Section 8589.10 of the Government Code is amended
21 to read:

22 8589.10. As used in this article:

23 (a) "Acquire" means acquisition by purchase, grant, gift, or any
24 other lawful means.

25 (b) "Agency" means the California Emergency Management
26 Agency.

27 (c) "Firefighting apparatus and equipment" means any vehicle
28 and its associated equipment which is designed and intended for
29 use primarily for firefighting. "Firefighting apparatus and
30 equipment" does not include vehicles that are designed and
31 intended for use primarily for emergency medical services, rescue
32 services, communications and command operations, or hazardous
33 materials operations.

34 (d) "Indirect expenses" means those items that are identified as
35 indirect costs in the federal Office of Management and Budget,
36 Circular A-87 on January 1, 1985.

37 (e) "Local agency" means any city, county, special district, or
38 any joint powers agency composed exclusively of those agencies,
39 that provides fire suppression services. "Local agency" also

1 includes a fire company organized pursuant to Part 4 (commencing
2 with Section 14825) of Division 12 of the Health and Safety Code.

3 (f) “Rural area” means territory that is outside of any urbanized
4 area designated by the United States Census Bureau from the 1980
5 federal census.

6 (g) “Secretary” means the Secretary of *the* California Emergency
7 Management Agency.

8 SEC. 45. Section 8589.11 of the Government Code is amended
9 to read:

10 8589.11. ~~The office agency~~ may acquire new or used
11 firefighting apparatus and equipment for resale to local agencies.
12 If the apparatus or equipment is in a used condition, ~~the office~~
13 ~~agency~~ may contract with the Prison Industry Authority to repair
14 or refurbish the apparatus or equipment to acceptable fire service
15 standards before resale. The resale price shall recover ~~the office’s~~
16 ~~agency’s~~ cost of acquisition, repairing, refurbishing, and associated
17 indirect expenses.

18 SEC. 46. Section 8589.12 of the Government Code is amended
19 to read:

20 8589.12. If a state agency, including ~~the office agency~~, proposes
21 to make firefighting apparatus or equipment which is currently
22 owned and operated by the state available to ~~the office agency~~ for
23 use under this article, the Department of General Services shall
24 determine whether there is any immediate need by any state agency
25 for the apparatus or equipment. If there is no immediate need, the
26 Department of General Services shall release the apparatus or
27 equipment to ~~the office agency~~. If the office acquires firefighting
28 apparatus or equipment from another state agency, ~~the office~~
29 ~~agency~~ shall pay the fair market value of the apparatus or
30 equipment, as determined by the Department of General Services,
31 unless the *state* agency agrees to a lesser payment.

32 SEC. 47. Section 8589.13 of the Government Code is amended
33 to read:

34 8589.13. (a) ~~The office agency~~ shall give first priority for the
35 sale of new or used firefighting apparatus and equipment to a local
36 agency that serves a rural area, and is authorized to contract with
37 a local agency that serves a rural area for this purpose. ~~The office~~
38 ~~agency~~ shall give second priority for the sale of new or used
39 firefighting apparatus and equipment to any local agency. If after
40 reasonable efforts by ~~the office agency~~ to sell new or used

1 firefighting apparatus and equipment to any local agency, and not
2 less than 90 days after providing notice to these local agencies,
3 ~~the office agency~~ may sell any remaining firefighting apparatus
4 and equipment to public agencies outside of California, the federal
5 government, and Indian tribes, subject to any applicable federal
6 requirements.

7 (b) If a contract for the sale of new or used firefighting apparatus
8 and equipment under subdivision (a) provides for the local agency
9 to pay the sale price in more than one installment, the local agency
10 shall pay interest at a rate specified in the contract, which shall not
11 exceed 1 percent less than the rate earned by the Pooled Money
12 Investment Board, and the term of a contract shall not exceed five
13 years.

14 (c) If a contract for the sale of new or used firefighting apparatus
15 and equipment under subdivision (a) provides for a local agency
16 to obtain a loan from another source, ~~the office agency~~ may insure
17 the other loan.

18 SEC. 48. Section 8589.14 of the Government Code is amended
19 to read:

20 8589.14. ~~The office agency~~ shall operate an information system
21 which is capable of identifying firefighting apparatus and
22 equipment which is available for acquisition, and local agencies
23 which are interested in acquiring apparatus and equipment.

24 SEC. 49. Section 8589.15 of the Government Code is amended
25 to read:

26 8589.15. ~~The office agency~~ may contract with the Prison
27 Industry Authority to perform any of the responsibilities or services
28 required or authorized by this article.

29 SEC. 50. Section 8589.16 of the Government Code is amended
30 to read:

31 8589.16. There is hereby created in the General Fund the State
32 Assistance for Fire Equipment Account, which, notwithstanding
33 Section 13340, is continuously appropriated to ~~the office agency~~
34 for the purposes of Sections 8589.11 and 8589.13. All proceeds
35 from the resale of firefighting apparatus and equipment shall be
36 paid to the account. ~~The office shall manage the account so that it~~
37 ~~is self-sustaining by the 1992-93 fiscal year.~~

38 SEC. 51. Section 8589.17 of the Government Code is amended
39 to read:

1 8589.17. Every contract with a local agency for the resale of
2 firefighting apparatus and equipment shall specify that the local
3 agency shall make the apparatus or equipment available to other
4 local agencies in the same county as part of a mutual aid agreement.
5 The apparatus or equipment shall be available for mutual aid
6 responses for the length of the term of the contract with the ~~office~~
7 *agency*.

8 SEC. 52. Section 8589.18 of the Government Code is amended
9 to read:

10 8589.18. If a local agency defaults on a contract for the resale
11 of firefighting apparatus and equipment, the ~~office~~ *agency* may
12 either renegotiate the contract or take possession of the apparatus
13 or equipment for subsequent resale to another local agency.

14 SEC. 53. Section 8589.19 of the Government Code is amended
15 to read:

16 8589.19. (a) After consultation with the ~~Office of Emergency~~
17 ~~Services~~ *California Emergency Management Agency* Fire Advisory
18 Committee, the ~~director~~ *secretary* shall adopt rules and regulations
19 governing the operation of the programs created by this article
20 pursuant to the Administrative Procedure Act, Chapter 3.5
21 (commencing with Section 11340) of Part 1 of Division 3.

22 (b) The rules and regulations adopted pursuant to subdivision
23 (a) shall include, but not be limited to, all of the following:

24 (1) The specific types of firefighting apparatus and equipment
25 which may be acquired, rehabilitated, and resold.

26 (2) The amount and terms of resale contracts.

27 (3) The time, format, and manner in which local agencies may
28 apply for resale contracts.

29 (4) Priorities for assisting local agencies which shall give
30 preference to local agencies which meet all of the following:

31 (A) Demonstrated need for primary response firefighting
32 apparatus and equipment.

33 (B) Will be adequately able to operate and maintain the
34 firefighting apparatus and equipment.

35 (C) Have already used other means of financing the firefighting
36 apparatus and equipment.

37 SEC. 54. Section 8589.20 of the Government Code is amended
38 to read:

1 8589.20. All state agencies, boards, and commissions shall
2 cooperate with the ~~office~~ *agency* in implementing the programs
3 created by this article.

4 SEC. 55. Section 8589.21 of the Government Code is amended
5 to read:

6 8589.21. The ~~director~~ *secretary* shall be responsible for the
7 programs created by this article which, except as provided by
8 Sections 8589.12 and 8589.15, shall not be subject to the
9 requirements of the State Equipment Council or the Office of Fleet
10 Administration of the Department of General Services.

11 SEC. 56. Section 8589.22 of the Government Code is repealed.

12 ~~8589.22. The director shall report to the Legislature every two~~
13 ~~years, commencing January 1, 1990, regarding the status of the~~
14 ~~programs created by this article.~~

15 SEC. 57. Section 8590.1 of the Government Code is amended
16 to read:

17 8590.1. As used in this article, *the following words have the*
18 *following meanings:*

19 (a) ~~“Director” means the Director of the Office of Emergency~~
20 ~~Services.~~

21 (a) *“Agency” means the California Emergency Management*
22 *Agency.*

23 (b) *“Local agency” means any city, county, city and county,*
24 *fire district, special district, or joint powers agency that provides*
25 *fire suppression services. “Local agency” also includes a fire*
26 *company organized pursuant to Part 4 (commencing with Section*
27 *14825) of Division 12 of the Health and Safety Code.*

28 (e) ~~“Office” means the Office of Emergency Services.~~

29 (c) *“Secretary” means the Secretary of Emergency Management.*

30 (d) *“State agency” means any state agency providing residential*
31 *or institutional fire protection, including, but not limited to, the*
32 *California Department of Forestry and Fire Protection.*

33 SEC. 58. Section 8590.2 of the Government Code is amended
34 to read:

35 8590.2. There is established in the ~~office~~ *agency* a thermal
36 imaging equipment purchasing program under which the ~~office~~
37 *agency* shall acquire firefighting thermal imaging equipment on
38 behalf of local and state agencies that are interested in obtaining
39 this equipment.

1 SEC. 59. Section 8590.3 of the Government Code is amended
2 to read:

3 8590.3. In administering the purchasing program, the ~~director~~
4 *secretary* shall do all of the following:

5 (a) No later than 45 days after the effective date of this article,
6 establish an advisory committee, which shall be comprised of
7 representatives of organizations including, but not limited to, the
8 California Fire Chiefs Association, the Fire Districts Association
9 of California, the California Professional Firefighters, the CDF
10 Firefighters, and the California State Firefighters Association, Inc.
11 The committee shall meet no later than 30 days after all members
12 are appointed.

13 (b) Consult with the advisory committee regarding equipment
14 specifications and other matters relating to the acquisition of
15 thermal imaging equipment, and require the advisory committee
16 to formulate specifications no later than 120 days after its initial
17 meeting.

18 (c) Notify all local and state agencies about the purchasing
19 program, including the opportunity to purchase additional units at
20 the contract price, and determine whether those agencies are
21 interested in obtaining thermal imaging equipment.

22 (d) Purchase thermal imaging equipment at the lowest possible
23 price from a reliable vendor that meets specified requirements. It
24 is the intent of the Legislature that the director enter into a
25 multiyear contract for this purpose no later than 180 days after the
26 committee formulates specifications pursuant to subdivision (b).

27 (e) Include a provision in the vendor contract allowing any local
28 or state agency to purchase additional units directly from the vendor
29 at the contract price.

30 (f) Any local agency that elects to participate in the thermal
31 imaging equipment purchasing program shall pay one-half of the
32 contract price for each piece of equipment purchased on its behalf
33 by the state.

34 SEC. 60. Section 8590.4 of the Government Code is amended
35 to read:

36 8590.4. (a) The ~~director~~ *secretary* shall seek funding for the
37 program from the private sector, grant programs, and other
38 appropriate sources.

39 (b) The ~~director~~ *secretary*, after consultation with the advisory
40 commission, shall distribute equipment purchased under the

1 program in order to maximize its utilization by firefighters based
2 on consideration of the following factors:

- 3 (1) Ability to share or move the equipment to fire locations.
- 4 (2) Availability of existing thermal imaging equipment.
- 5 (3) Geography.
- 6 (4) Need based on frequency of fires.

7 SEC. 61. Section 8591 of the Government Code is amended
8 to read:

9 8591. Nothing in this chapter shall operate to prevent the
10 Governor or the Secretary of *the* California Emergency
11 Management Agency from formally recognizing committees or
12 boards established by or with segments of the private sector, public
13 agencies, or both the private sector and public agencies, that control
14 facilities, resources, or the provision of services essential to the
15 mitigation of the effects of an emergency or recovery therefrom,
16 or from assigning administrative authority or responsibility to those
17 committees or boards or to members thereof with respect to the
18 provision and effective utilization of those resources to meet needs
19 resulting from an emergency.

20 SEC. 62. Section 8592.1 of the Government Code is amended
21 to read:

22 8592.1. For purposes of this article, the following terms have
23 the following meanings:

24 (a) “Backward compatibility” means that the equipment is able
25 to function with older, existing equipment.

26 (b) “Committee” means the Public Safety Radio Strategic
27 Planning Committee, which was established in December 1994 in
28 recognition of the need to improve existing public radio systems
29 and to develop interoperability among public safety departments
30 and between state public safety departments and local or federal
31 entities, and which consists of representatives of the following
32 state entities:

33 ~~(1) The Office of Emergency Services, who~~ *California*
34 *Emergency Management Agency, the representative of which* shall
35 serve as chairperson.

36 (2) The Department of the California Highway Patrol.

37 (3) The Department of Transportation.

38 (4) The Department of Corrections and Rehabilitation.

39 (5) The Department of Parks and Recreation.

40 (6) The Department of Fish and Game.

1 (7) The Department of Forestry and Fire Protection.

2 (8) The Department of Justice.

3 (9) The Department of Water Resources.

4 (10) The State Department of Public Health.

5 (11) The Emergency Medical Services Authority.

6 (12) The Department of General Services.

7 ~~(13) The Office of Homeland Security.~~

8 ~~(14)~~

9 ~~(13)~~ The Military Department.

10 ~~(15)~~

11 ~~(14)~~ The Department of Finance.

12 (c) “First response agencies” means public agencies that, in the
13 early states of an incident, are responsible for, among other things,
14 the protection and preservation of life, property, evidence, and the
15 environment, including, but not limited to, state fire agencies, state
16 and local emergency medical services agencies, local sheriffs’
17 departments, municipal police departments, county and city fire
18 departments, and police and fire protection districts.

19 (d) “Nonproprietary equipment or systems” means equipment
20 or systems that are able to function with another manufacturer’s
21 equipment or system regardless of type or design.

22 (e) “Open architecture” means a system that can accommodate
23 equipment from various vendors because it is not a proprietary
24 system.

25 (f) “Public safety radio subscriber” means the ultimate end user.
26 Subscribers include individuals or organizations, including, for
27 example, local police departments, fire departments, and other
28 operators of a public safety radio system. Typical subscriber
29 equipment includes end instruments, including mobile radios,
30 hand-held radios, mobile repeaters, fixed repeaters, transmitters,
31 or receivers that are interconnected to utilize assigned public safety
32 communications frequencies.

33 (g) “Public safety spectrum” means the spectrum allocated by
34 the Federal Communications Commission for operation of
35 interoperable and general use radio communication systems for
36 public safety purposes within the state.

37 SEC. 63. Section 8592.6 of the Government Code is repealed.

38 ~~8592.6. (a) The committee shall report to the Legislature by~~
39 ~~January 1 of each year on the committee’s progress in~~
40 ~~implementing this article.~~

~~(b) (1) The annual report shall serve as the state's strategic plan to establish a statewide integrated, interoperable public safety communications network. The report shall include, but not be limited to, implementation strategies and timelines to achieve the goals and objectives set forth in the report. The implementation strategies and timelines may include identification of resource needs, including data formats, possible funding sources, prioritization of expenditures, and the development of common protocols that build upon industry and governmental standards for interoperability as set forth in paragraphs (1) and (2) of subdivision (a) of Section 8592.5 that will advance the integration of local, regional, and statewide interoperable public safety communication networks. The report shall be updated annually, as strategies, timelines, goals, and objectives are accomplished or changed.~~

~~(2) In developing the report, the committee, at its discretion, shall consult with any other local, regional, state, or federal entity with responsibility for developing, operating, or monitoring interoperability of the public safety spectrum, and other first response agencies. The report may include recommendations for local, regional, state, or federal entities to coordinate resources and the development of common protocols to advance the integration of local, regional, and statewide interoperable public safety communication networks.~~

~~(c) The report will include a complete listing of purchases by state departments of public safety radio communications equipment, for which a waiver of subdivision (a) of Section 8592.5 was granted by the committee.~~

SEC. 64. Section 8593.4 of the Government Code is repealed.

~~8593.4. (a) The Office of Emergency Services shall conduct a study of the emergency notification systems at California television and radio broadcast stations to determine the ability of these stations to notify the public of emergency situations 24 hours a day.~~

~~(b) The office shall report its findings and any recommendations for improving the system to the Legislature no later than July 1, 2003.~~

SEC. 65. Section 8593.6 of the Government Code is amended to read:

8593.6. (a) No later than six months after securing funding for the purposes of this section, the ~~Director of the Office of~~

1 ~~Emergency Services Secretary of the California Emergency~~
2 ~~Management Agency~~ shall convene a working group for the purpose
3 of assessing existing and future technologies available in the public
4 and private sectors for the expansion of transmission of emergency
5 alerts to the public through a public-private partnership. The
6 working group shall advise the ~~director~~ *secretary* and assist in the
7 development of policies, procedures, and protocols that will lay
8 the framework for an improved warning system for the public.

9 (b) (1) The working group shall consist of the following
10 membership, to be appointed by the ~~director~~ *secretary*:

11 (A) A representative of the ~~Office of Homeland Security~~
12 *California Emergency Management Agency*.

13 (B) A representative of the Attorney General's office.

14 (C) A representative of the State Department of Public Health.

15 (D) A representative of the State Emergency Communications
16 Committee.

17 (E) A representative of the Los Angeles County Office of
18 Emergency Management, at the option of that agency.

19 (F) A representative or representatives of local government, at
20 the option of the local government or governments.

21 (G) Representatives of the private sector who possess
22 technology, experience, or insight that will aid in the development
23 of a public-private partnership to expand an alert system to the
24 public, including, but not limited to, representatives of providers
25 of mass communication systems, first responders, and broadcasters.

26 (H) Additional representatives of any public or private entity
27 as deemed appropriate by the ~~Director of the Office of Emergency~~
28 ~~Services Secretary of the California Emergency Management~~
29 *Agency*.

30 (2) In performing its duties, the working group shall consult
31 with the Federal Communications Commission, and with respect
32 to grants and fiscal matters, the ~~Office of Homeland Security~~
33 *California Emergency Management Agency*.

34 (c) The working group shall consider and make
35 recommendations with respect to all of the following:

36 (1) Private and public programs, including pilot projects that
37 attempt to integrate a public-private partnership to expand an alert
38 system.

39 (2) Protocols, including formats, source or originator
40 identification, threat severity, hazard description, and response

1 requirements or recommendations, for alerts to be transmitted via
2 an alert system that ensures that alerts are capable of being utilized
3 across the broadest variety of communication technologies, at state
4 and local levels.

5 (3) Protocols and guidelines to prioritize assurance of the
6 greatest level of interoperability for first responders and families
7 of first responders.

8 (4) Procedures for verifying, initiating, modifying, and canceling
9 alerts transmitted via an alert system.

10 (5) Guidelines for the technical capabilities of an alert system.

11 (6) Guidelines for technical capability that provides for the
12 priority transmission of alerts.

13 (7) Guidelines for other capabilities of an alert system.

14 (8) Standards for equipment and technologies used by an alert
15 system.

16 (9) Cost estimates.

17 (10) Standards and protocols in accordance with, or in
18 anticipation of, Federal Communications Commission requirements
19 and federal statutes or regulations.

20 (11) Liability issues.

21 ~~(d) The director shall report the findings and recommendations~~
22 ~~of the working group to the Legislature no later than one year from~~
23 ~~the date the working group is convened.~~

24 ~~(e)~~

25 ~~(d)~~ The ~~director~~ *secretary* may accept private monetary or
26 in-kind donations for the purposes of this section.

27 SEC. 66. Section 8596 of the Government Code is amended
28 to read:

29 8596. (a) Each department, division, bureau, board,
30 commission, officer, and employee of this state shall render all
31 possible assistance to the Governor and to the Secretary of
32 ~~California~~ Emergency Management in carrying out the provisions
33 of this chapter.

34 (b) In providing that assistance, state agencies shall cooperate
35 to the fullest possible extent with each other and with political
36 subdivisions, relief agencies, and the American National Red Cross,
37 but nothing contained in this chapter shall be construed to limit or
38 in any way affect the responsibilities of the American National
39 Red Cross under the federal act approved January 5, 1905 (33 Stat.
40 599), as amended.

1 (c) Entities providing disaster-related services and assistance
2 shall strive to ensure that all victims receive the assistance that
3 they need and for which they are eligible. Public employees shall
4 assist evacuees and other individuals in securing disaster-related
5 assistance and services without eliciting any information or
6 document that is not strictly necessary to determine eligibility
7 under state and federal laws. Nothing in this subdivision shall
8 prevent public employees from taking reasonable steps to protect
9 the health or safety of evacuees and other individuals during an
10 emergency.

11 (d) State personnel, equipment, and facilities may be used to
12 clear and dispose of debris on private property only after the
13 Governor finds: (1) that the use is for a state purpose; (2) that the
14 use is in the public interest, serving the general welfare of the state;
15 and (3) that the personnel, equipment, and facilities are already in
16 the emergency area.

17 SEC. 67. Section 8601 of the Government Code is repealed.

18 ~~8601. (a) Using existing budgetary resources, the Seismic~~
19 ~~Safety Commission, in consultation with the Director of Emergency~~
20 ~~Services, shall establish an urban search and rescue emergency~~
21 ~~response advisory committee, which, in addition to the commission,~~
22 ~~may include representatives of organizations including, but not~~
23 ~~limited to, at the commission chairperson's discretion, the~~
24 ~~California Fire Chiefs Association, the Fire Districts Association~~
25 ~~of California, the California Professional Firefighters, the~~
26 ~~California Department of Forestry Firefighters, the California State~~
27 ~~Firefighters Association, Inc., the California Police Chiefs'~~
28 ~~Association, the California Police Officers Association, the~~
29 ~~California State Sheriffs' Association, and the Peace Officer~~
30 ~~Research Association of California.~~

31 ~~(b) The advisory committee shall prepare and submit to the~~
32 ~~commission chairperson, on or before September 1, 2003, a~~
33 ~~strategy, plan, and recommendations for addressing the resource~~
34 ~~needs of emergency response urban search and rescue units.~~

35 SEC. 68. Section 8607 of the Government Code is amended
36 to read:

37 ~~8607. (a) By December 1, 1993, the Office of Emergency~~
38 ~~Services, *The California Emergency Management Agency*, in~~
39 ~~coordination with all interested state agencies with designated~~
40 ~~response roles in the state emergency plan and interested local~~

1 emergency management agencies shall jointly establish by
2 regulation a standardized emergency management system for use
3 by all emergency response agencies. The public water systems
4 identified in Section 8607.2 may review and comment on these
5 regulations prior to adoption. This system shall be applicable, but
6 not limited to, those emergencies or disasters referenced in the
7 state emergency plan. The standardized emergency management
8 system shall include all of the following systems as a framework
9 for responding to and managing emergencies and disasters
10 involving multiple jurisdictions or multiple agency responses:

11 (1) The Incident Command Systems adapted from the systems
12 originally developed by the FIREScope Program, including those
13 currently in use by state agencies.

14 (2) The multiagency coordination system as developed by the
15 FIREScope Program.

16 (3) The mutual aid agreement, as defined in Section 8561, and
17 related mutual aid systems such as those used in law enforcement,
18 fire service, and coroners operations.

19 (4) The operational area concept, as defined in Section 8559.

20 (b) Individual agencies' roles and responsibilities agreed upon
21 and contained in existing laws or the state emergency plan are not
22 superseded by this article.

23 ~~(c) By December 1, 1994, the Office of Emergency Services,~~
24 ~~*The California Emergency Management Agency*, in coordination~~
25 ~~with the State Fire Marshal's Office, the Department of the~~
26 ~~California Highway Patrol, the Commission on Peace Officer~~
27 ~~Standards and Training, the Emergency Medical Services~~
28 ~~Authority, and all other interested state agencies with designated~~
29 ~~response roles in the state emergency plan, shall jointly develop~~
30 ~~an approved course of instruction for use in training all emergency~~
31 ~~response personnel, consisting of the concepts and procedures~~
32 ~~associated with the standardized emergency management system~~
33 ~~described in subdivision (a).~~

34 ~~(d) By December 1, 1996, all~~ All state agencies shall use the
35 standardized emergency management system as adopted pursuant
36 to subdivision (a), to coordinate multiple jurisdiction or multiple
37 agency emergency and disaster operations.

38 (e) (1) ~~By December 1, 1996, each~~ Each local agency, in order
39 to be eligible for any funding of response-related costs under
40 disaster assistance programs, shall use the standardized emergency

1 management system as adopted pursuant to subdivision (a) to
2 coordinate multiple jurisdiction or multiple agency operations.

3 (2) Notwithstanding paragraph (1), local agencies shall be
4 eligible for repair, renovation, or any other nonpersonnel costs
5 resulting from an emergency.

6 (f) ~~The office~~ *California Emergency Management Agency* shall,
7 in cooperation with involved state and local agencies, complete
8 an after-action report within 120 days after each declared disaster.
9 This report shall review public safety response and disaster
10 recovery activities and shall be made available to all interested
11 public safety and emergency management organizations.

12 SEC. 69. Section 8607.2 of the Government Code is amended
13 to read:

14 8607.2. (a) All public water systems, as defined in subdivision
15 (f) of Section 116275 of the Health and Safety Code, with 10,000
16 or more service connections shall review and revise their disaster
17 preparedness plans in conjunction with related agencies, including,
18 but not limited to, local fire departments and ~~the office~~ *California*
19 *Emergency Management Agency* to ensure that the plans are
20 sufficient to address possible disaster scenarios. These plans should
21 examine and review pumping station and distribution facility
22 operations during an emergency, water pressure at both pumping
23 stations and hydrants, and whether there is sufficient water reserve
24 levels and alternative emergency power, including, but not limited
25 to, onsite backup generators and portable generators.

26 (b) All public water systems, as defined in subdivision (f) of
27 Section 116275 of the Health and Safety Code, with 10,000 or
28 more service connections following a declared state of emergency
29 shall furnish an assessment of their emergency response and
30 recommendations to the Legislature within six months after each
31 disaster, as well as implementing the recommendations in a timely
32 manner.

33 ~~(c) By December 1, 1996, the Office of Emergency Services~~
34 *The California Emergency Management Agency* shall establish
35 appropriate and insofar as practical, emergency response and
36 recovery plans, including mutual aid plans, in coordination with
37 public water systems, as defined in subdivision (f) of Section
38 116275 of the Health and Safety Code, with 10,000 or more service
39 connections.

1 SEC. 70. Section 8608 of the Government Code is amended
2 to read:

3 ~~8608. (a) The Office of Emergency Services California~~
4 ~~*Emergency Management Agency*~~ shall approve and adopt, and
5 incorporate the California Animal Response Emergency System
6 (CARES) program developed under the oversight of the
7 Department of Food and Agriculture into the standardized
8 emergency management system established pursuant to subdivision
9 (a) of Section 8607.

10 ~~(b) No later than January 31, 2007, the Department of Food and~~
11 ~~Agriculture shall enter into a memorandum of understanding with~~
12 ~~the Office of Emergency Services and other interested parties to~~
13 ~~incorporate the CARES program into their emergency planning.~~

14 SEC. 71. Section 8610 of the Government Code is amended
15 to read:

16 8610. Counties, cities and counties, and cities may create
17 disaster councils by ordinance. A disaster council shall develop
18 plans for meeting any condition constituting a local emergency or
19 state of emergency, including, but not limited to, earthquakes,
20 natural or manmade disasters specific to that jurisdiction, or state
21 of war emergency; those plans shall provide for the effective
22 mobilization of all of the resources within the political subdivision,
23 both public and private. The disaster council shall supply a copy
24 of any plans developed pursuant to this section to the ~~Office of~~
25 ~~*Emergency Services California Emergency Management Agency*~~.
26 The governing body of a county, city and county, or city may, in
27 the ordinance or by resolution adopted pursuant to the ordinance,
28 provide for the organization, powers and duties, divisions, services,
29 and staff of the emergency organization. The governing body of
30 a county, city and county, or city may, by ordinance or resolution,
31 authorize public officers, employees, and registered volunteers to
32 command the aid of citizens when necessary in the execution of
33 their duties during a state of war emergency, a state of emergency,
34 or a local emergency.

35 Counties, cities and counties, and cities may enact ordinances
36 and resolutions and either establish rules and regulations or
37 authorize disaster councils to recommend to the director of the
38 local emergency organization rules and regulations for dealing
39 with local emergencies that can be adequately dealt with locally;

1 and further may act to carry out mutual aid on a voluntary basis
2 and, to this end, may enter into agreements.

3 SEC. 72. Section 8610.3 of the Government Code is amended
4 to read:

5 8610.3. The Legislature hereby finds and declares as follows:

6 (a) ~~The Office of Emergency Services~~ *California Emergency*
7 *Management Agency*, in consultation with the State Department
8 of Health Services and affected counties, investigated the
9 consequences of a serious nuclear powerplant accident for each
10 of the nuclear powerplants in California with a generating capacity
11 of 50 megawatts or more.

12 (b) This study culminated in the establishment of emergency
13 planning zones for nuclear powerplant emergency preparedness.

14 (c) All state and local government nuclear powerplant
15 emergency response plans have been revised to reflect the
16 information provided in the study.

17 SEC. 73. Section 8612 of the Government Code is amended
18 to read:

19 8612. Any disaster council that both agrees to follow the rules
20 and regulations established by the ~~Office of Emergency Services~~
21 *California Emergency Management Agency* pursuant to Section
22 8585.5 and substantially complies with those rules and regulations
23 shall be certified by the ~~office agency~~. Upon that certification, and
24 not before, the disaster council becomes an accredited disaster
25 council.

26 SEC. 74. Section 8613 of the Government Code is amended
27 to read:

28 8613. Should an accredited disaster council fail to comply with
29 the rules and regulations of the ~~Office of Emergency Services~~
30 *California Emergency Management Agency* in any material degree,
31 the ~~office agency~~ may revoke its certification and, upon the act of
32 revocation, the disaster council shall lose its accredited status. It
33 may again become an accredited disaster council in the same
34 manner as is provided for a disaster council that has not previously
35 been accredited.

36 SEC. 75. Section 8614 of the Government Code is amended
37 to read:

38 8614. (a) Each department, division, bureau, board,
39 commission, officer, and employee of each political subdivision
40 of the state shall render all possible assistance to the Governor and

1 to the Secretary of *the* California Emergency Management Agency
2 in carrying out the provisions of this chapter.

3 (b) The emergency power that may be vested in a local public
4 official during a state of war emergency or a state of emergency
5 shall be subject or subordinate to the powers vested in the Governor
6 under this chapter when exercised by the Governor.

7 (c) Ordinances, orders, and regulations of a political subdivision
8 shall continue in effect during a state of war emergency or a state
9 of emergency except as to any provision suspended or superseded
10 by an order or regulation issued by the Governor.

11 SEC. 76. Section 8639 of the Government Code is amended
12 to read:

13 8639. The qualifications of each standby officer should be
14 carefully investigated, and the governing body may request the
15 ~~Director of the Office of Emergency Services~~ *Secretary of*
16 *Emergency Management* to aid in the investigation of any
17 prospective appointee. No examination or investigation shall be
18 made without the consent of the prospective appointee.

19 Consideration shall be given to places of residence and work,
20 so that for each office for which standby officers are appointed
21 there shall be the greatest probability of survivorship. Standby
22 officers may be residents or officers of a political subdivision other
23 than that to which they are appointed as standby officers.

24 SEC. 77. Section 8651 of the Government Code is amended
25 to read:

26 8651. The Secretary of ~~California~~ Emergency Management
27 may procure from the federal government or any of its agencies
28 such surplus equipment, apparatus, supplies, and storage facilities
29 therefor as may be necessary to accomplish the purposes of this
30 chapter.

31 SEC. 78. Section 8657 of the Government Code is amended
32 to read:

33 8657. (a) Volunteers duly enrolled or registered with the ~~Office~~
34 ~~of Emergency Services~~ *California Emergency Management Agency*
35 or any disaster council of any political subdivision, or unregistered
36 persons duly impressed into service during a state of war
37 emergency, a state of emergency, or a local emergency, in carrying
38 out, complying with, or attempting to comply with, any order or
39 regulation issued or promulgated pursuant to the provisions of this
40 chapter or any local ordinance, or performing any of their

1 authorized functions or duties or training for the performance of
2 their authorized functions or duties, shall have the same degree of
3 responsibility for their actions and enjoy the same immunities as
4 officers and employees of the state and its political subdivisions
5 performing similar work for their respective entities.

6 (b) No political subdivision or other public agency under any
7 circumstances, nor the officers, employees, agents, or duly enrolled
8 or registered volunteers thereof, or unregistered persons duly
9 impressed into service during a state of war emergency, a state of
10 emergency, or a local emergency, acting within the scope of their
11 official duties under this chapter or any local ordinance shall be
12 liable for personal injury or property damage sustained by any
13 duly enrolled or registered volunteer engaged in or training for
14 emergency preparedness or relief activity, or by any unregistered
15 person duly impressed into service during a state of war emergency,
16 a state of emergency, or a local emergency and engaged in such
17 service. The foregoing shall not affect the right of any such person
18 to receive benefits or compensation which may be specifically
19 provided by the provisions of any federal or state statute nor shall
20 it affect the right of any person to recover under the terms of any
21 policy of insurance.

22 (c) The California Earthquake Prediction Evaluation Council,
23 an advisory committee established pursuant to Section 8590 of
24 this chapter, may advise the Governor of the existence of an
25 earthquake or volcanic prediction having scientific validity. In its
26 review, hearings, deliberations, or other validation procedures,
27 members of the council, jointly and severally, shall have the same
28 degree of responsibility for their actions and enjoy the same
29 immunities as officers and employees of the state and its political
30 subdivisions engaged in similar work in their respective entities.
31 Any person making a presentation to the council as part of the
32 council's validation process, including presentation of a prediction
33 for validation, shall be deemed a member of the council until the
34 council has found the prediction to have or not have scientific
35 validity.

36 SEC. 79. Section 8657.5 of the Government Code is amended
37 to read:

38 8657.5. (a) (1) A private business included on the statewide
39 registry pursuant to Section 8588.2 that voluntarily and without
40 expectation and receipt of compensation donates services, goods,

1 labor, equipment, resources, or dispensaries or other facilities, in
2 compliance with Section 8588.2, during a declared state of war,
3 state of emergency, or state of local emergency shall not be civilly
4 liable for a death, injury, illness, or other damage to a person or
5 property caused by the private business's donation of services,
6 goods, labor, equipment, resources, or dispensaries or other
7 facilities.

8 (2) A private business included on the statewide registry that
9 voluntarily and without expectation and receipt of compensation
10 donates services, goods, labor, equipment, resources, or
11 dispensaries or other facilities, in compliance with Section 8588.2,
12 during an emergency medical services training program conducted
13 by the ~~Office of Emergency Services~~ *California Emergency*
14 *Management Agency* and a city, a county, or a city and county
15 shall not be civilly liable for damages alleged to have resulted from
16 those training programs, as described in Section 1799.100 of the
17 Health and Safety Code.

18 (b) (1) A nonprofit organization included on the statewide
19 registry pursuant to Section 8588.2 that voluntarily and without
20 expectation and receipt of compensation from victims of
21 emergencies and disasters donates services, goods, labor,
22 equipment, resources, or dispensaries or other facilities, in
23 compliance with Section 8588.2, during a declared state of war,
24 state of emergency, or state of local emergency shall not be civilly
25 liable for a death, injury, illness, or other damage to a person or
26 property caused by the nonprofit organization's donation of
27 services, goods, labor, equipment, resources, or dispensaries or
28 other facilities.

29 (2) A nonprofit organization included on the statewide registry
30 that voluntarily and without expectation and receipt of
31 compensation donates services, goods, labor, equipment, resources,
32 or dispensaries or other facilities, in compliance with Section
33 8588.2, during an emergency medical services training program
34 conducted by the ~~Office of Emergency Services~~ *California*
35 *Emergency Management Agency* and a city, a county, or a city and
36 county, shall not be civilly liable for damages alleged to have
37 resulted from those training programs, as described in Section
38 1799.100 of the Health and Safety Code.

39 (c) A private business or nonprofit organization that
40 discriminates against a victim of an emergency or disaster based

1 on a protected classification under federal or state law shall not be
2 entitled to the protections in subdivision (a) or (b).

3 (d) This section shall not relieve a private business or nonprofit
4 organization from liability caused by its grossly negligent act or
5 omission, or willful or wanton misconduct.

6 SEC. 80. Section 8670.20 of the Government Code is amended
7 to read:

8 8670.20. (a) For the purposes of this section, “vessel” means
9 a vessel, as defined in Section 21 of the Harbors and Navigation
10 Code, of 300 gross registered tons or more.

11 (b) Any party responsible for a vessel shall notify the Coast
12 Guard within one hour of a disability if the disabled vessel is within
13 12 miles of the shore of this state. The administrator and the ~~Office~~
14 ~~of Emergency Services~~ *California Emergency Management Agency*
15 shall request the Coast Guard to notify the ~~Office of Emergency~~
16 ~~Services~~ *California Emergency Management Agency* as soon as
17 possible after the Coast Guard receives notice of a disabled vessel
18 within 12 miles of the shore of this state. The administrator shall
19 attempt to negotiate an agreement with the Coast Guard governing
20 procedures for Coast Guard notification to the state regarding
21 disabled vessels.

22 (c) Whenever the ~~Office of Emergency Services~~ *California*
23 *Emergency Management Agency* receives notice of a disabled
24 vessel, the office shall immediately notify the administrator. If the
25 administrator receives notice from any other source regarding the
26 presence of a disabled vessel within 12 miles of the shore of this
27 state, the administrator shall immediately notify the ~~Office of~~
28 ~~Emergency Services~~ *California Emergency Management Agency*.

29 (d) For the purposes of this section, a vessel shall be considered
30 disabled if any of the following occurs:

31 (1) Any accidental or intentional grounding that creates a hazard
32 to the environment or the safety of the vessel.

33 (2) Loss of main propulsion or primary steering or any
34 component or control system that causes a reduction in the
35 maneuvering capabilities of the vessel. For the purposes of this
36 paragraph, “loss” means that any system, component, part,
37 subsystem, or control system does not perform the specified or
38 required function.

(3) An occurrence materially and adversely affecting the vessel's seaworthiness or fitness for service, including, but not limited to, fire, flooding, or collision with another vessel.

(4) Any occurrence not meeting the above criteria, but that creates the serious possibility of an oil spill or an occurrence that may result in an oil spill.

(e) For the purposes of this section, a tank barge shall be considered disabled if any of the following occur:

(1) The towing mechanism becomes disabled.

(2) The tugboat towing the tank barge becomes disabled through occurrences specified in subdivision (d).

SEC. 81. Section 8670.25.5 of the Government Code is amended to read:

8670.25.5. (a) (1) Without regard to intent or negligence, any party responsible for the discharge or threatened discharge of oil in marine waters shall report the discharge immediately to the ~~Office of Emergency Services~~ *California Emergency Management Agency* pursuant to Section 25507 of the Health and Safety Code.

(2) If the information initially reported pursuant to paragraph (1) was inaccurate or incomplete, or if the quantity of oil discharged has changed, any party responsible for the discharge or threatened discharge of oil in marine waters shall report the updated information immediately to the ~~Office of Emergency Services~~ *California Emergency Management Agency* pursuant to paragraph (1). The report shall contain the accurate or complete information, or the revised quantity of oil discharged.

(b) Immediately upon receiving notification pursuant to subdivision (a), the ~~Office of Emergency Services~~ *California Emergency Management Agency* shall notify the administrator, the State Lands Commission, the California Coastal Commission, the California regional water quality control board having jurisdiction over the location of the discharged oil, and the appropriate local governmental agencies in the area surrounding the discharged oil, and take the actions required by subdivision (d) of Section 8589.7. If the spill has occurred within the jurisdiction of the San Francisco Bay Conservation and Development Commission, the ~~Office of Emergency Services~~ *California Emergency Management Agency* shall notify that commission. Each public agency specified in this subdivision shall adopt an internal protocol over communications regarding the

1 discharge of oil and file the internal protocol with the ~~Office of~~
2 ~~Emergency Services~~ *California Emergency Management Agency*.

3 (c) The 24-hour emergency telephone number of the ~~Office of~~
4 ~~Emergency Services~~ *California Emergency Management Agency*
5 shall be posted at every terminal, at the area of control of every
6 marine facility, and on the bridge of every tankship in marine
7 waters.

8 (d) This section does not apply to discharges, or potential
9 discharges, of less than one barrel (42 gallons) of oil unless a more
10 restrictive reporting standard is adopted in the California oil spill
11 contingency plan prepared pursuant to Section 8574.1.

12 (e) Except as otherwise provided in this section and Section
13 8589.7, a notification made pursuant to this section shall satisfy
14 any immediate notification requirement contained in any permit
15 issued by a permitting agency.

16 SEC. 82. Section 8670.26 of the Government Code is amended
17 to read:

18 8670.26. Any local or state agency responding to a spill of oil
19 shall notify the ~~Office of Emergency Services~~ *California*
20 *Emergency Management Agency*, if notification as required under
21 Section 8670.25.5, Section 13272 of the Water Code, or any other
22 notification procedure adopted in the California oil spill
23 contingency plan has not occurred.

24 SEC. 83. Section 8670.64 of the Government Code is amended
25 to read:

26 8670.64. (a) A person who commits any of the following acts,
27 shall, upon conviction, be punished by imprisonment in a county
28 jail for not more than one year or by imprisonment in the state
29 prison:

30 (1) Except as provided in Section 8670.27, knowingly fails to
31 follow the direction or orders of the administrator in connection
32 with an oil spill.

33 (2) Knowingly fails to notify the Coast Guard that a vessel is
34 disabled within one hour of the disability and the vessel, while
35 disabled, causes a discharge of oil which enters marine waters.
36 For the purposes of this paragraph, "vessel" means a vessel, as
37 defined in Section 21 of the Harbors and Navigation Code, of 300
38 gross registered tons or more.

39 (3) Knowingly engages in or causes the discharge or spill of oil
40 into marine waters, or a person who reasonably should have known

1 that he or she was engaging in or causing the discharge or spill of
2 oil into marine waters, unless the discharge is authorized by the
3 United States, the state, or another agency with appropriate
4 jurisdiction.

5 (4) Knowingly fails to begin cleanup, abatement, or removal of
6 spilled oil as required in Section 8670.25.

7 (b) The court shall also impose upon a person convicted of
8 violating subdivision (a), a fine of not less than five thousand
9 dollars (\$5,000) or more than five hundred thousand dollars
10 (\$500,000) for each violation. For purposes of this subdivision,
11 each day or partial day that a violation occurs is a separate
12 violation.

13 (c) (1) A person who knowingly does any of the acts specified
14 in paragraph (2) shall, upon conviction, be punished by a fine of
15 not less than two thousand five hundred dollars (\$2,500) or more
16 than two hundred fifty thousand dollars (\$250,000), or by
17 imprisonment in a county jail for not more than one year, or by
18 both the fine and imprisonment. Each day or partial day that a
19 violation occurs is a separate violation. If the conviction is for a
20 second or subsequent violation of this subdivision, the person shall
21 be punished by imprisonment in the state prison or in a county jail
22 for not more than one year, or by a fine of not less than five
23 thousand dollars (\$5,000) or more than five hundred thousand
24 dollars (\$500,000), or by both the fine and imprisonment:

25 (2) The acts subject to this subdivision are all of the following:

26 (A) Failing to notify the ~~Office of Emergency Services~~
27 *California Emergency Management Agency* in violation of Section
28 8670.25.5.

29 (B) Knowingly making a false or misleading marine oil spill
30 report to the ~~Office of Emergency Services~~ *California Emergency*
31 *Management Agency*.

32 (C) Continuing operations for which an oil spill contingency
33 plan is required without an oil spill contingency plan approved
34 pursuant to Article 5 (commencing with Section 8670.28).

35 (D) Except as provided in Section 8670.27, knowingly failing
36 to follow the material provisions of an applicable oil spill
37 contingency plan.

38 SEC. 84. Section 8680.7 of the Government Code is amended
39 to read:

1 8680.7. ~~“Director”~~ “Secretary” means the ~~Director~~ Secretary
2 of the ~~Office of Emergency Services~~ *Emergency Management*.

3 SEC. 85. Section 8685 of the Government Code is amended
4 to read:

5 8685. From any moneys appropriated for that purpose, and
6 subject to the conditions specified in this article, the ~~director~~
7 *secretary* shall allocate funds to meet the cost of any one or more
8 projects as defined in Section 8680.4. Applications by school
9 districts shall be submitted to the Superintendent of Public
10 Instruction for review and approval, in accordance with instructions
11 or regulations developed by the ~~Office of Emergency Services~~
12 *California Emergency Management Agency*, prior to the allocation
13 of funds by the ~~director~~ *secretary*.

14 Moneys appropriated for the purposes of this chapter may be
15 used to provide financial assistance for the following local agency
16 and state costs:

17 (a) Local agency personnel costs, equipment costs, and the cost
18 of supplies and materials used during disaster response activities,
19 incurred as a result of a state of emergency proclaimed by the
20 Governor, excluding the normal hourly wage costs of employees
21 engaged in emergency work activities.

22 (b) To repair, restore, reconstruct, or replace facilities belonging
23 to local agencies damaged as a result of disasters as defined in
24 Section 8680.3. Mitigation measures performed pursuant to
25 subdivision (b) of Section 8686.4 shall qualify for funding pursuant
26 to this chapter.

27 (c) Matching fund assistance for cost sharing required under
28 federal disaster assistance programs, as otherwise eligible under
29 this act.

30 (d) Indirect administrative costs and any other assistance deemed
31 necessary by the director.

32 (e) Necessary and required site preparation costs for
33 mobilehomes, travel trailers, and other manufactured housing units
34 provided and operated by the Federal Emergency Management
35 Agency.

36 SEC. 86. Section 8685.2 of the Government Code is amended
37 to read:

38 8685.2. An allocation may be made to a local agency for a
39 project when, within 10 days after the actual occurrence of a
40 disaster, the local agency has proclaimed a local emergency and

1 that proclamation is acceptable to the ~~director~~ *secretary* or upon
2 the order of the Governor when a state of emergency proclamation
3 has been issued, and if the Legislature has appropriated money for
4 allocation for purposes of this chapter.

5 SEC. 87. Section 8685.4 of the Government Code is amended
6 to read:

7 8685.4. A local agency shall make application to the ~~director~~
8 *secretary* for state financial assistance within 60 days after the date
9 of the proclamation of a local emergency. The ~~director~~ *secretary*
10 may extend the time for this filing only under unusual
11 circumstances. No financial aid shall be provided until a state
12 agency, upon the request of the ~~director~~ *secretary*, has first
13 investigated and reported upon the proposed work, has estimated
14 the cost of the work, and has filed its report with the ~~director~~
15 *secretary* within 60 days from the date the local agency made
16 application, unless the ~~director~~ *secretary* extends the time because
17 of unusual circumstances. The estimate of cost of the work may
18 include expenditures made by the local agency for the work prior
19 to the making of the estimate. If the reporting state agency fails to
20 report its findings within the 60-day period, and time is not
21 extended by the ~~director~~ *secretary*, the ~~director~~ *secretary* may
22 complete the investigation and recover a proportionate amount
23 allocated to the state agency for the balance of the investigation.
24 “Unusual circumstances,” as used above, are unavoidable delays
25 that result from recurrence of a disaster, prolonged severe weather
26 within a one-year period, or other conditions beyond the control
27 of the applicant. Delays resulting from administrative procedures
28 are not unusual circumstances which warrant extensions of time.

29 SEC. 88. Section 8685.6 of the Government Code is amended
30 to read:

31 8685.6. No money shall be allocated for a project until the
32 local agency has indicated in writing its acceptance of the project
33 proposal and the cost-sharing related thereto in such form as the
34 ~~director~~ *secretary* prescribes. The project proposal shall provide
35 for the performance of the work by the local agency, or by the
36 state agency in whose area of responsibility such work falls, if the
37 local agency and such state agency determine that the work should
38 be performed by the state agency. The project proposal shall also
39 provide for the methods of handling the funds allocated and the
40 matching funds provided by the local agency. It shall also contain

1 such other provisions as are deemed necessary to assure completion
2 of the work included in the project and the proper expenditure of
3 funds as provided herein.

4 SEC. 89. Section 8685.8 of the Government Code is amended
5 to read:

6 8685.8. Under procedures to be prescribed by the ~~director~~
7 *secretary*, a local agency may receive an advance of funds to
8 initiate a project. Such advances shall be limited to not more than
9 90 percent of the estimated state's share of the project, as
10 determined pursuant to Section 8686.

11 SEC. 90. Section 8686.2 of the Government Code is amended
12 to read:

13 8686.2. When the United States or any agency thereof is to
14 provide disaster relief funds for any portion of the cost of a project,
15 the amount so provided shall be deducted from the cost of the
16 project in determining the amount to be allocated by the state and
17 the amount to be contributed by the local agency under Section
18 8686. It shall not be required that the disaster relief funds to be
19 provided from federal sources shall be paid into the State Treasury,
20 but the ~~director~~ *secretary* shall, if state funds are available,
21 authorize the work to be commenced when the ~~director~~ *secretary*
22 has received assurance, adequate in his or her opinion, that the
23 federal disaster relief matching funds will be made available for
24 expenditure for the work, or for payment to the state for
25 performance thereof.

26 SEC. 91. Section 8686.3 of the Government Code is amended
27 to read:

28 8686.3. Local agencies shall undertake to recover maximum
29 federal participation in funding projects. No funds allocated under
30 this chapter shall be used to supplant federal funds otherwise
31 available in the absence of state financial relief. State contributions
32 for such projects as determined by Section 8686 will be reduced
33 by an amount equal to the amount local agencies would have
34 recovered from federal disaster relief sources if they had applied
35 for that funding and had executed the eligible projects in
36 conformity with federal requirements. When a local agency applies
37 for federal disaster relief funds, the ~~director~~ *secretary* shall inform
38 the agency of available state funds.

39 SEC. 92. Section 8686.4 of the Government Code is amended
40 to read:

1 8686.4. (a) Whenever the local agency and the ~~director~~
2 ~~secretary~~ determine for projects that the general public and state
3 interest will be better served by replacing a damaged or destroyed
4 facility with a facility that will more adequately serve the present
5 and future public needs than would be accomplished merely by
6 repairing or restoring the damaged or destroyed facility, the ~~director~~
7 ~~secretary~~ shall authorize the replacement, including, in the case
8 of a public building, an increase in the square footage of the
9 building replaced, but the cost of the betterment of the facility, to
10 the extent that it exceeds the cost of repairing or restoring the
11 damaged or destroyed facility, shall be borne and contributed by
12 the local agency, and the excess cost shall be excluded in
13 determining the amount to be allocated by the state. The state
14 contribution shall not exceed the net cost of restoring each facility
15 on the basis of the design of the facility as it existed immediately
16 prior to the disaster in conformity with current codes,
17 specifications, and standards.

18 (b) Notwithstanding subdivision (a), when the ~~director~~ ~~secretary~~
19 determines there are mitigation measures that are cost effective
20 and that substantially reduce the risk of future damage, hardship,
21 loss, or suffering in any area where a state of emergency has been
22 proclaimed by the Governor, the director may authorize the
23 implementation of those measures.

24 SEC. 93. Section 8686.8 of the Government Code is amended
25 to read:

26 8686.8. If the ~~director~~ ~~secretary~~ determines that a local agency
27 is financially unable to meet the matching requirements set forth
28 in Section 8686, or unable to provide funds for replacement of a
29 facility pursuant to Section 8686.4, the ~~director~~ ~~secretary~~ may, if
30 that loan would not result in a violation of Section 18 of Article
31 XVI of the California Constitution and out of any state money
32 made available for purposes of this chapter, lend funds, for the
33 completion of a project or projects. The local agency shall be
34 required by the ~~director~~ ~~secretary~~ to make its contribution by means
35 of deferred payments. The deferred payments shall be made in the
36 amounts and at the times provided by the agreement executed in
37 connection with the application, but in any event providing full
38 repayment within 10 years, and shall include a charge to be fixed
39 by the ~~director~~ ~~secretary~~ in an amount estimated by him or her to
40 equal the revenue that the state would have derived by investing

1 the total amounts loaned at the interest rate prevailing for legal
2 state investments as of the date of the loan.

3 SEC. 94. Section 8687 of the Government Code is amended
4 to read:

5 8687. Deferred payments made by a local agency pursuant to
6 Section 8686.8 shall be made by the agency:

7 (a) Out of the current revenues of the local agency.

8 (b) If the current revenues of a city, county, or city and county,
9 prove insufficient to enable the agency to meet the payments, the
10 ~~director~~ *secretary* may order the State Controller to withhold from
11 the local agency funds that the local agency would be entitled from
12 the state, including, as to street and highway projects as defined
13 by Sections 590 and 592 of the Vehicle Code, from the Motor
14 Vehicle License Fee Fund to the extent necessary to meet the
15 deficiency.

16 Those sums shall be credited to the funds in the State Treasury
17 from which the loans were made.

18 SEC. 95. Section 8687.2 of the Government Code is amended
19 to read:

20 8687.2. Notwithstanding Section 8686, whenever the ~~director~~
21 *secretary* determines that a local agency to which funds are
22 proposed to be allocated for a public facilities project is financially
23 unable to meet the matching requirements set forth in Section 8686
24 due to exhaustion of its financial resources because of disaster
25 expenditures, the provisions of Section 8686 may be suspended,
26 and the ~~director~~ *secretary* may allocate funds to pay all of the cost
27 of the project or that portion of the cost which the ~~director~~ *secretary*
28 determines is necessary to accomplish the project, taking into
29 consideration the financial ability of the local agency to meet the
30 matching requirements of Section 8686 and the public benefit of
31 the proposed work, less any money provided by the United States
32 or any agency thereof for any portion of the cost of the project.

33 SEC. 96. Section 8687.4 of the Government Code is amended
34 to read:

35 8687.4. Whenever the ~~director~~ *secretary* determines that a local
36 agency which would otherwise be eligible for funds under the
37 formula of Section 8686 is unable to finance a project due to
38 exhaustion of its financial resources because of disaster
39 expenditures, the ~~director~~ *secretary* may allocate funds to pay such

1 portion of the cost of the project as the ~~director~~ *secretary*
2 determines is necessary to accomplish the projects.

3 SEC. 97. Section 8687.7 of the Government Code is amended
4 to read:

5 8687.7. (a) As used in this section, the following terms have
6 the following meanings:

7 (1) “Agency” means the California Emergency Management
8 Agency.

9 ~~(1)~~

10 (2) “Community” means a geographic area impacted by an
11 emergency proclaimed by the Governor that includes the
12 jurisdiction of one or more local agencies.

13 ~~(2)~~

14 (3) “Community recovery partners” means local, state, and
15 federal agencies, private nonprofit organizations, nongovernmental
16 agencies, faith-based organizations, and other private entities.

17 (b) The ~~office~~ *agency* may establish a model process that would
18 be made available to assist a community in recovering from an
19 emergency proclaimed by the Governor. The model process may
20 include the following:

21 (1) The role of the ~~office~~ *agency* in the community recovery
22 process.

23 (2) Procedures for the ~~office~~ *agency* to have representation
24 onsite as soon as practicable after the Governor proclaims a state
25 of emergency.

26 (3) The role of the ~~office~~ *agency* to facilitate the use of
27 temporary services, including, but not limited to, direct assistance
28 to individuals, families, and businesses, crisis counseling, disaster
29 unemployment assistance, food and clothing vouchers,
30 communications systems, replacement of personal identification
31 documents, provision of potable water, housing, farm service
32 assistance, tax relief, insurance, and legal services.

33 (4) The role of the ~~office~~ *agency* to facilitate the establishment
34 of temporary structures, including local assistance centers, showers
35 and bathroom facilities, and temporary administrative offices.

36 (5) Measures to encourage the participation of nongovernmental
37 organizations in the community recovery process to supplement
38 recovery activities undertaken by federal or local agencies.

39 (6) The ~~office~~ *agency* may refer the model process to the
40 standardized Emergency Management System (SEMS) Advisory

1 Board, or any other advisory board it deems appropriate, for review
2 and modifications.

3 (7) It is the intent of the Legislature that the model process
4 assists and complements local procedures. The model process
5 should allow the ~~office~~ *agency* to offer additional assistance when
6 that assistance is needed but not available through local agencies.

7 SEC. 98. Section 8692 of the Government Code is amended
8 to read:

9 8692. (a) If a state of emergency is proclaimed, an eligible
10 private nonprofit organization may receive state assistance for
11 distribution of supplies and other disaster or emergency assistance
12 activities resulting in extraordinary cost.

13 (b) A private nonprofit organization is eligible for assistance
14 under this section if it is eligible for disaster assistance under the
15 Robert T. Stafford Disaster Relief and Emergency Assistance Act
16 (42 U.S.C. Sec. 5121).

17 (c) An organization is not eligible for assistance under this
18 section if it employs religious content in the provision of
19 emergency assistance.

20 (d) Any grant of assistance under this section shall comply with
21 Section 4 of Article I and Section 5 of Article XVI of the California
22 Constitution, state and federal civil rights laws, and the First
23 Amendment to the United States Constitution in regard to the
24 funding of religious organizations and activities. These legal
25 constraints include prohibitions on the discrimination against
26 beneficiaries and staff based on protected categories, on the use
27 of public funds for proselytizing of religious doctrine, religious
28 instruction, or worship, and on the use of other religious means to
29 accomplish programmatic goals.

30 (e) ~~The Office of Emergency Services~~ *California Emergency*
31 *Management Agency* shall adopt regulations to implement this
32 section.

33 SEC. 99. Section 8696.5 of the Government Code is amended
34 to read:

35 8696.5. As used in this chapter, the term “disaster” means those
36 conditions specified in subdivisions (b) and (c) of Section 8558 if
37 the estimated damage exceeds three billion dollars
38 (\$3,000,000,000) or the Governor orders the ~~Director of Emergency~~
39 ~~Services~~ *Secretary of Emergency Management* to carry out the
40 provisions of this chapter.

1 SEC. 100. Section 8697 of the Government Code is amended
2 to read:

3 8697. (a) Upon the completion of the emergency phase and
4 the immediate recovery phase of a disaster, appropriate state
5 agencies shall take actions to provide continuity of effort conducive
6 to long-range economic recovery.

7 ~~(b) The Director of the Office of Emergency Services Secretary~~
8 ~~of Emergency Management~~ shall invoke the assignments made
9 pursuant to Section 8595, specifying the emergency functions of
10 each agency or department.

11 ~~(c) The Director of the Office of Emergency Services Secretary~~
12 ~~of Emergency Management~~ may make assignments to assist local
13 agencies in implementing Chapter 12.4 (commencing with Section
14 8877.1).

15 SEC. 101. Section 8697.5 of the Government Code is amended
16 to read:

17 ~~8697.5. The Director of the Office of Emergency Services~~
18 ~~Secretary of Emergency Management~~, in executing the purposes
19 of this chapter, shall establish appropriate task forces or emergency
20 teams to include concerned elements of federal, state, and local
21 governments and the private sector.

22 SEC. 102. Section 8840 of the Government Code is amended
23 to read:

24 8840. For purposes of this article, “eligible radio station” means
25 a radio station that, at the time of applying for a grant under this
26 article, meets both of the following requirements:

27 (a) It has met all of the following requirements for a period of
28 two years unless another time is specified:

29 (1) It is licensed by the Federal Communications Commission
30 as a noncommercial educational station, or is operating under
31 program test authority pending the grant of a license.

32 (2) It has its community of license and principal administrative
33 offices in this state and is not owned, controlled, managed, or
34 primarily financed by any corporation or entity outside of this
35 state.

36 (3) It provides a program service that meets the requirements
37 for a Community Service Grant from the Corporation for Public
38 Broadcasting.

39 (4) It provides significant locally originated programming in its
40 community of license.

1 (5) It broadcasts not less than 15 hours per day, 365 days per
2 year.

3 (6) It participates in statewide public broadcasting projects.

4 (7) It has provided, prior to its application for a grant under this
5 article, an audited financial statement for the years on which the
6 grant is based.

7 (8) It does either of the following:

8 (A) Meets the criteria for receipt of a Community Service Grant
9 from the Corporation for Public Broadcasting that were in effect
10 on June 30, 1995.

11 (B) Two months prior to applying for a grant, the station has a
12 full-time staff of at least one professional paid not less than the
13 California minimum wage, and is certified by the council as
14 providing a needed service to its community of license.

15 (b) It enters into a permanent agreement with the ~~Office of~~
16 ~~Emergency Services~~ *California Emergency Management Agency*
17 to dedicate, as necessary, a broadcast channel for the provision of
18 emergency information, to broadcast that information, and to ensure
19 that it is presented in a format that makes it accessible to the deaf,
20 hearing-impaired, and non-English-speaking populations
21 throughout its broadcast area, including rural and isolated
22 populations.

23 SEC. 103. Section 8841 of the Government Code is amended
24 to read:

25 8841. For purposes of this article, “eligible television station”
26 means a television station that, at the time of applying for a grant
27 under this article, unless another time is specified, meets all of the
28 following requirements:

29 (a) It has met all of the following requirements for a period of
30 two years:

31 (1) It is licensed by the Federal Communications Commission
32 as a noncommercial educational television station, or is operating
33 under program test authority pending the grant of a license.

34 (2) It has its community of license and principal administrative
35 offices in this state, and is not owned, controlled, managed, or
36 primarily financed by any corporation or entity outside of this
37 state.

38 (3) It provides a program service that meets the requirements
39 for a Community Service Grant from the Corporation for Public
40 Broadcasting.

1 (4) It provides substantial and significant locally originated
2 programming in its community of license.

3 (5) It broadcasts not less than 2,500 hours per year.

4 (6) It participates in statewide public broadcasting projects.

5 (7) It meets the criteria for receipt of a Community Service
6 Grant or base grant from the Corporation for Public Broadcasting
7 that were in effect on June 30, 1994.

8 (8) It has provided, prior to its application for a grant under this
9 article, an audited financial statement for the years on which the
10 grant is based.

11 (b) It enters into a permanent agreement with the ~~Office of~~
12 ~~Emergency Services~~ *California Emergency Management Agency*
13 to dedicate, as necessary, a broadcast channel for the provision of
14 emergency information, to broadcast that information, and to ensure
15 that it is presented in a format that makes it accessible to the deaf,
16 hearing-impaired, and non-English-speaking populations
17 throughout its broadcast area, including rural and isolated
18 populations.

19 (c) At the time of disbursement of the funds, it certifies in
20 writing by the station manager or an officer of the licensee that it
21 has in its public file a plan to address the needs of significant
22 linguistic minorities in its service area.

23 SEC. 104. Section 8844 of the Government Code is amended
24 to read:

25 8844. (a) Recognizing the necessity of converting California
26 stations to the technologies of digital broadcasting, the Legislature
27 intends that funds may be appropriated to the ~~Office of Emergency~~
28 ~~Services~~ *California Emergency Management Agency* for the
29 purchase of equipment by eligible stations, the installation of that
30 equipment, or purchase of other materials related to that equipment,
31 pursuant to this article.

32 (b) The ~~office~~ *agency* shall solicit applications for grant funds
33 from eligible stations throughout the state, and shall allocate funds
34 appropriated pursuant to subdivision (a) as follows:

35 (1) Seventy-five percent of any equipment purchase funds
36 appropriated pursuant to subdivision (a) shall be placed in an
37 equipment grant pool for eligible television stations, and 25 percent
38 shall be placed in an equipment grant pool for eligible radio
39 stations.

1 (2) Fifty percent of the funds in each grant pool shall be divided
2 equally among the stations in that grant pool.

3 (3) The remaining 50 percent of the funds in each grant pool
4 shall be divided among stations in that grant pool in proportion to
5 their nonfederal financial support.

6 (c) (1) Funds provided under this section shall be granted on a
7 matching basis, with each station required to raise from other
8 sources an amount equal to the funds provided to it under this
9 section.

10 (2) If any funds remain in either grant pool because of the
11 limitations set forth in paragraph (1), the remaining funds shall be
12 returned to the same pool for distribution to other stations that
13 have raised the required matching funds, in amounts proportionate
14 to the nonfederal financial support of those stations.

15 SEC. 105. Section 8870.2 of the Government Code is amended
16 to read:

17 8870.2. (a) The Alfred E. Alquist Seismic Safety Commission
18 shall consist of 15 members appointed by the Governor and
19 confirmed by the Senate, one member representing the ~~Governor's~~
20 ~~Office of Emergency Services~~ *California Emergency Management*
21 *Agency*, one member representing the Division of the State
22 Architect in the Department of General Services, one member
23 representing the California State Building Standards Commission,
24 one member appointed by the Senate Rules Committee, and one
25 member appointed by the Speaker of the Assembly. The
26 commission shall elect annually from its membership its own
27 chairperson and vice chairperson and may replace them with other
28 commissioners by majority vote. Commission members shall be
29 residents of California.

30 (b) A quorum shall consist of 11 members if there are no
31 vacancies, or else a majority of the members of the commission
32 at the time.

33 (c) The Legislature declares that the individuals appointed to
34 the commission are intended to represent the professions of
35 architecture, planning, fire protection, public utilities, structural
36 engineering, geotechnical engineering, geology, seismology, local
37 government, insurance, social services, emergency services, and
38 the Legislature and that such representation serves the public
39 interest. Accordingly, the Legislature finds that for purposes of
40 persons who hold this office the specified professions are

1 tantamount to and constitute the public generally within the
2 meaning of Section 87103.

3 (d) The commission exists as a separate unit within the State
4 and Consumer Services Agency, and has the functions of
5 prescribing policy, holding meetings and setting dates of the
6 meetings, conducting investigations, and holding hearings insofar
7 as those powers are given by statute to the commission.

8 (e) The decisions and actions of the commission, with respect
9 to exercising its authority and carrying out its duties under this
10 chapter, or any other applicable law, are not subject to review by
11 the Secretary of the State and Consumer Services Agency, but are
12 final within the limits provided by this chapter.

13 (f) The Legislature further declares that the highest level of
14 service that the individuals appointed to the commission can
15 provide to the residents of California is to offer professional,
16 unbiased, scientifically based advice to the Governor and the
17 Legislature. To maintain this quality of service, it is imperative
18 that the commission retain its functional autonomy and access to
19 the Governor and the Legislature. As such, the commission shall
20 retain its existing authority to issue reports, publications, and
21 literature, as well as to sponsor legislation, and to take official
22 positions on proposed state and federal legislation.

23 SEC. 106. Section 8870.4 of the Government Code is amended
24 to read:

25 8870.4. (a) Except as provided in subdivision (d), the members
26 of the Alfred E. Alquist Seismic Safety Commission shall serve
27 without compensation but shall be paid per diem expenses of one
28 hundred dollars (\$100) for each day's attendance at a meeting of
29 the commission, plus actual necessary travel expenses as
30 determined by Department of Personnel Administration rules.

31 (b) The members of the commission who represent the
32 ~~Governor's Office of Emergency Services~~ *California Emergency*
33 *Management Agency*, the California Building Standards
34 Commission, and the Division of the State Architect shall be
35 employees in good standing of those respective entities. Any per
36 diem and travel expense of those members of the commission shall
37 be paid by the agencies that they represent on the commission, in
38 compliance with applicable conditions or regulations set by the
39 Department of Personnel Administration.

1 SEC. 107. Section 8870.7 of the Government Code is amended
2 to read:

3 8870.7. The commission is responsible for all of the following
4 in connection with earthquake hazard mitigation:

5 (a) Setting goals and priorities in the public and private sectors.

6 (b) Requesting appropriate state agencies to devise criteria to
7 promote earthquake and disaster safety.

8 (c) Scheduling a report on disaster mitigation issues from the
9 ~~Office of Emergency Services~~ *California Emergency Management*
10 *Agency*, on the commission agenda as required. For the purposes
11 of this subdivision, the term disaster refers to all natural hazards
12 which could have impact on public safety.

13 (d) Recommending program changes to state agencies, local
14 agencies, and the private sector where such changes would improve
15 earthquake hazards and reduction.

16 (e) Reviewing the recovery and reconstruction efforts after
17 damaging earthquakes.

18 (f) Gathering, analyzing, and disseminating information.

19 (g) Encouraging research.

20 (h) Sponsoring training to help improve the competence of
21 specialized enforcement and other technical personnel.

22 (i) Helping to coordinate the earthquake safety activities of
23 government at all levels.

24 (j) Establishing and maintaining necessary working relationships
25 with any boards, commissions, departments, and agencies, or other
26 public or private organizations.

27 SEC. 108. Section 8870.71 of the Government Code is amended
28 to read:

29 8870.71. To implement the foregoing responsibilities, the
30 commission may do any of the following:

31 (a) Review state budgets and review grant proposals, other than
32 those grant proposals submitted by institutions of postsecondary
33 education to the federal government, for earthquake related
34 activities and to advise the Governor and Legislature thereon.

35 (b) Review legislative proposals related to earthquake safety to
36 advise the Governor and Legislature concerning the proposals and
37 to propose needed legislation.

38 (c) Recommend the addition, deletion, or changing of state
39 agency standards when, in the commission's view, the existing
40 situation creates undue hazards or when new developments would

1 promote earthquake hazard mitigation, and conduct public hearings
2 as deemed necessary on the subjects.

3 (d) In the conduct of any hearing, investigation, inquiry, or study
4 that is ordered or undertaken in any part of the state, administer
5 oaths and issue subpoenas for the attendance of witnesses and the
6 production of papers, records, reports, books, maps, accounts,
7 documents, and testimony.

8 (e) In addition, the commission may perform any of the
9 functions contained in subdivisions (a) to (d), inclusive, in relation
10 to disasters, as defined in subdivision (c) of Section 8870.7, in
11 connection with issues or items reported or discussed with the
12 ~~Office of Emergency Services~~ *California Emergency Management*
13 *Agency* at any commission meeting.

14 SEC. 109. Section 8871.3 of the Government Code is amended
15 to read:

16 8871.3. (a) ~~The Office of Emergency Services~~ *California*
17 *Emergency Management Agency* shall establish an interim state
18 operations center in southern California to coordinate response to
19 a major earthquake. ~~The office agency~~ shall also develop an
20 operational communications plan for the center based upon an
21 inventory of current communications capabilities and an assessment
22 of structural vulnerabilities.

23 (b) ~~The office~~ *California Emergency Management Agency* shall
24 undertake a design analysis regarding construction of a permanent
25 state operations center in southern California, including an
26 evaluation of telecommunications and information technology
27 systems for emergency management functions.

28 (c) All appropriations for the purposes of subdivision (a) or (b)
29 shall be reviewed by the Department of Finance prior to obligation
30 of funds.

31 SEC. 110. Section 8871.4 of the Government Code is amended
32 to read:

33 8871.4. The commission shall prepare the California
34 Earthquake Hazard Reduction Program, in consultation with the
35 ~~Office of Emergency Services~~ *California Emergency Management*
36 *Agency*, the Division of Mines and Geology in the Department of
37 Conservation, the Office of the State Architect, the Emergency
38 Medical Services Authority, the University of California and other
39 appropriate institutions of higher learning, the California National
40 Guard, the Department of Finance, other appropriate state and

1 local agencies, the private sector, volunteer groups, and the
2 Legislature.

3 The commission may hold public hearings or joint hearings with
4 other groups and conduct other activities as necessary for the
5 development of the program.

6 SEC. 111. Section 8876.7 of the Government Code is amended
7 to read:

8 8876.7. In carrying out its responsibilities under this chapter,
9 the Seismic Safety Commission, in close consultation with the
10 Business, Transportation and Housing Agency, the ~~Office of~~
11 ~~Emergency Services~~ *California Emergency Management Agency*,
12 and the State and Consumers Services Agency, may do the
13 following:

14 (a) Monitor the work of the center on behalf of the state.

15 (b) Produce and deliver for each year that the center is in
16 operation, an independent evaluation of the work conducted at the
17 center as it pertains to the objectives of the center and reducing
18 earthquake losses and earthquake risk in the state recognizing that
19 as a national center it will undertake basic research of national and
20 international consequence as well. The report shall include the
21 following tasks:

22 (1) Interpret the results of research to indicate how the research
23 may affect state law and policy.

24 (2) Recommend ways to promote the application of research.

25 (3) Recommend priorities that would contribute to achieving
26 the center's objectives, provide direct benefits to California
27 residents and businesses, and lead to the completion of specific
28 recommendations in the state's earthquake risk reduction program.

29 SEC. 112. Section 8878.52 of the Government Code is amended
30 to read:

31 8878.52. As used in this chapter, the following terms have the
32 following meanings:

33 (a) "Agency" means the *California Emergency Management*
34 *Agency*.

35 ~~(a)~~

36 (b) "Committee" means the Earthquake Safety and Public
37 Buildings Rehabilitation Finance Committee created pursuant to
38 subdivision (a) of Section 8878.111.

39 ~~(b)~~

40 (c) "Commission" means the Seismic Safety Commission.

1 (e)

2 (d) “Fund” means the Earthquake Safety and Public Buildings
3 Rehabilitation Fund of 1990 created pursuant to Section 8878.55.

4 (d)

5 (e) “Local government” means any city, county, city and county,
6 or special district.

7 (e) “Office” means the Office of Emergency Services.

8 (f) “Project” means a program of work to retrofit, reconstruct,
9 repair, replace, or relocate, for local government-owned facilities
10 only, a building, facility, or both, which is owned by any city,
11 county, city and county, or special district and which is included
12 in an application for a grant of funds.

13 (g) “State Architect” means the Office of the State Architect.

14 (h) “State building or facility” means any building or structure
15 owned by a state agency, which is identified pursuant to Section
16 8878.60, except for vehicular bridges, roadways, highways, or any
17 facilities or buildings owned by the University of California or the
18 California State University.

19 (i) “Local government building or facility” means an existing
20 essential services building, as defined in Section 16007 of the
21 Health and Safety Code, or an emergency or public safety local
22 building as identified in Section 8878.99, which is owned by a
23 city, county, city and county, or special district.

24 (j) State or local government buildings shall not include those
25 owned by private for profit or private nonprofit corporations, or
26 those owned by any combination, consortium, or joint powers
27 agreement that includes a private nonprofit corporation.

28 (k) “Retrofit” means to either strengthen the structure of a
29 building or facility, or to provide the means necessary to reduce
30 the seismic force level experienced by a building or facility during
31 an earthquake, so as to significantly reduce hazards to life safety
32 while concomitantly providing for the substantially safe egress of
33 occupants during and immediately after such an earthquake.

34 SEC. 113. Section 8878.90 of the Government Code is amended
35 to read:

36 8878.90. (a) The State Architect, with the consultation of the
37 Seismic Safety Commission and the ~~Office of Emergency Services~~
38 agency, shall establish criteria for projects potentially eligible for
39 an appropriation from the Legislature, pursuant to subdivision (b)

1 of Section 8878.55 based on factors including the populations at
2 risk of injury and the cost-effectiveness of remedial actions.

3 (b) The State Architect shall establish the criteria for potential
4 funding pursuant to subdivision (b) of Section 8878.55 based upon
5 the following order of seismic hazard reduction priorities:

6 (1) Abatement of falling hazards, as defined by the State
7 Architect with the consultation of the Seismic Safety Commission,
8 that are structural or nonstructural components of buildings or
9 facilities and that pose serious threats to life, including, but not
10 limited to, parapets, appendages, cornices, hanging objects, and
11 building cladding.

12 (2) The seismic retrofitting of those buildings or facilities for
13 which partial, localized, or phased seismic retrofits will
14 significantly reduce collapse hazards with minimal disruption to
15 either the operation of the buildings or facilities or disruption of
16 the occupants of the buildings or facilities.

17 (3) All other buildings or facilities requiring seismic retrofitting.

18 SEC. 114. Section 8878.100 of the Government Code is
19 amended to read:

20 8878.100. Funds shall be distributed by the State Architect in
21 the following manner:

22 (a) Upon receipt of an application by a local government for a
23 grant pursuant to this article, the office or the State Architect may
24 propose improvements to the project which will meet regional
25 needs in a cost-effective manner. These improvements may include,
26 but need not be limited to, structural strengthening, hardening of
27 communication equipment, providing emergency power equipment,
28 and other capital improvements which can be demonstrated as part
29 of an emergency response plan which has a description of the
30 critical facilities needed to support emergency response. The office,
31 the State Architect, and the applicant may agree to include these
32 capital improvements in the grant.

33 (b) In coordination with the Seismic Safety Commission and
34 ~~the Office of Emergency Services agency~~, and with the input of
35 the potentially eligible local governments, the State Architect,
36 consistent with Section 8878.90, shall establish a priority list of
37 the types of potentially eligible local government buildings and
38 facilities which are eligible to receive a state grant pursuant to this
39 article.

1 (c) After completion of the priority list, the State Architect shall
2 present this list of potentially eligible local government buildings
3 and facilities to the Department of Finance for its review and
4 consideration of whether to recommend to the Governor to include
5 this list in the Budget Bill or other legislative proposal. The
6 Legislature may review and appropriate funds available under this
7 bond act for specific projects on the list which it deems appropriate.

8 (d) The State Architect shall allocate funds to local governments
9 for the seismic retrofit of buildings or facilities based upon projects
10 and appropriations approved in the Budget Bill or some other bill
11 by the Legislature as provided in this section. Payments shall be
12 made on a progress basis.

13 SEC. 115. Section 8878.125 of the Government Code is
14 amended to read:

15 8878.125. (a) The proceeds from the sale of the bonds pursuant
16 to this chapter shall not replace or supplant funds available from
17 the Federal Emergency Management Agency (FEMA). If funds
18 are received from FEMA for costs applied for under this chapter,
19 then proceeds from the fund shall not be allocated, or if already
20 allocated, then the fund shall be reimbursed for any ineligible
21 amount.

22 (b) No allocations shall be made from the fund for local
23 buildings or facilities that qualified for state or federal assistance
24 under the Disaster Assistance Act (Chapter 7.5 (commencing with
25 Section 8680)) for retrofitting, reconstruction, repair, replacement,
26 or relocation of structures damaged by a disaster until the ~~Office~~
27 ~~of Emergency Services~~ agency determines either: (1) that
28 reasonable efforts have been made to secure other state and federal
29 funds, or (2) that the other sources of funding are insufficient to
30 make the necessary seismic improvements. Similarly, no
31 allocations from the fund shall be made for state buildings or
32 facilities unless the Department of Finance determines either: (1)
33 the responsible agency has made reasonable efforts to secure other
34 state and federal funds, or (2) that the other sources of funding are
35 insufficient to correct state buildings or facilities that are
36 seismically unsafe or suffer from other safety deficiencies.

37 SEC. 116. Section 8879.23 of the Government Code is amended
38 to read:

39 8879.23. The Highway Safety, Traffic Reduction, Air Quality,
40 and Port Security Fund of 2006 is hereby created in the State

1 Treasury. The Legislature intends that the proceeds of bonds
2 deposited in the fund shall be used to fund the mobility, safety,
3 and air quality improvements described in this article over the
4 course of the next decade. The proceeds of bonds issued and sold
5 pursuant to this chapter for the purposes specified in this chapter
6 shall be allocated in the following manner:

7 (a) (1) Four billion five hundred million dollars
8 (\$4,500,000,000) shall be deposited in the Corridor Mobility
9 Improvement Account, which is hereby created in the fund. Funds
10 in the account shall be available to the California Transportation
11 Commission, upon appropriation in the annual Budget Bill by the
12 Legislature, for allocation for performance improvements on highly
13 congested travel corridors in California. Funds in the account shall
14 be used for performance improvements on the state highway
15 system, or major access routes to the state highway system on the
16 local road system that relieve congestion by expanding capacity,
17 enhancing operations, or otherwise improving travel times within
18 these high-congestion travel corridors, as identified by the
19 department and regional or local transportation agencies, pursuant
20 to the process in paragraph (3) or (4), as applicable.

21 (2) The commission shall develop and adopt guidelines, by
22 December 1, 2006, including regional programming targets, for
23 the program funded by this subdivision, and shall allocate funds
24 from the account to projects after reviewing project nominations
25 submitted by the Department of Transportation and by regional
26 transportation planning agencies or county transportation
27 commissions or authorities pursuant to paragraph (4).

28 (3) Subject to the guidelines adopted pursuant to paragraph (2),
29 the department shall nominate, by no later than January 15, 2007,
30 projects for the allocation of funds from the account on a statewide
31 basis. The department's nominations shall be geographically
32 balanced and shall reflect the department's assessment of a program
33 that best meets the policy objectives described in paragraph (1).

34 (4) Subject to the guidelines adopted pursuant to paragraph (2),
35 a regional transportation planning agency or county transportation
36 commission or authority responsible for preparing a regional
37 transportation improvement plan under Section 14527 may
38 nominate projects identified pursuant to paragraph (1) that best
39 meet the policy objectives described in that paragraph for funding
40 from the account. Projects nominated pursuant to this paragraph

1 shall be submitted to the commission for consideration for funding
2 by no later than January 15, 2007.

3 (5) All nominations to the California Transportation Commission
4 shall be accompanied by documentation regarding the quantitative
5 and qualitative measures validating each project's consistency
6 with the policy objectives described in paragraph (1). All projects
7 nominated to the commission for funds from this account shall be
8 included in a regional transportation plan.

9 (6) After review of the project nominations, and supporting
10 documentation, the commission, by no later than March 1, 2007,
11 shall adopt an initial program of projects to be funded from the
12 account. This program may be updated every two years in
13 conjunction with the biennial process for adoption of the state
14 transportation improvement program pursuant to guidelines adopted
15 by the commission. The inclusion of a project in the program shall
16 be based on a demonstration that the project meets all of the
17 following criteria:

18 (A) Is a high-priority project in the corridor as demonstrated by
19 either of the following: (i) its inclusion in the list of nominated
20 projects by both the department pursuant to paragraph (3) and the
21 regional transportation planning agency or county transportation
22 commission or authority, pursuant to paragraph (4); or (ii) if needed
23 to fully fund the project, the identification and commitment of
24 supplemental funding to the project from other state, local, or
25 federal funds.

26 (B) Can commence construction or implementation no later
27 than December 31, 2012.

28 (C) Improves mobility in a high-congestion corridor by
29 improving travel times or reducing the number of daily vehicle
30 hours of delay, improves the connectivity of the state highway
31 system between rural, suburban, and urban areas, or improves the
32 operation or safety of a highway or road segment.

33 (D) Improves access to jobs, housing, markets, and commerce.

34 (7) Where competing projects offer similar mobility
35 improvements to a specific corridor, the commission shall consider
36 additional benefits when determining which project shall be
37 included in the program for funding. These benefits shall include,
38 but are not limited to, the following:

39 (A) A finding that the project provides quantifiable air quality
40 benefits.

1 (B) A finding that the project substantially increases the safety
2 for travelers in the corridor.

3 (8) In adopting a program for funding pursuant to this
4 subdivision, the commission shall make a finding that the program
5 is geographically balanced, consistent with the geographic split
6 for funding described in Section 188 of the Streets and Highways
7 Code; provides mobility improvements in highly traveled or highly
8 congested corridors in all regions of California; and targets bond
9 proceeds in a manner that provides the increment of funding
10 necessary, when combined with other state, local, or federal funds,
11 to provide the mobility benefit in the earliest possible timeframe.

12 (9) The commission shall include in its annual report to the
13 Legislature, required by Section 14535, a summary of its activities
14 related to the administration of this program. The summary should,
15 at a minimum, include a description and the location of the projects
16 contained in the program, the amount of funds allocated to each
17 project, the status of each project, and a description of the mobility
18 improvements the program is achieving.

19 (b) One billion dollars (\$1,000,000,000) shall be made available,
20 upon appropriation in the annual Budget Bill by the Legislature,
21 to the department for improvements to State Route 99. Funds may
22 be used for safety, operational enhancements, rehabilitation, or
23 capacity improvements necessary to improve the State Route 99
24 corridor traversing approximately 400 miles of the central valley
25 of this state.

26 (c) Three billion one hundred million dollars (\$3,100,000,000)
27 shall be deposited in the California Ports Infrastructure, Security,
28 and Air Quality Improvement Account, which is hereby created
29 in the fund. The money in the account shall be available, upon
30 appropriation by the Legislature and subject to such conditions
31 and criteria as the Legislature may provide by statute, as follows:

32 (1) (A) Two billion dollars (\$2,000,000,000) shall be transferred
33 to the Trade Corridors Improvement Fund, which is hereby created.
34 The money in this fund shall be available, upon appropriation in
35 the annual Budget Bill by the Legislature and subject to such
36 conditions and criteria as the Legislature may provide by statute,
37 for allocation by the California Transportation Commission for
38 infrastructure improvements along federally designated "Trade
39 Corridors of National Significance" in this state or along other
40 corridors within this state that have a high volume of freight

1 movement, as determined by the commission. In determining
2 projects eligible for funding, the commission shall consult the trade
3 infrastructure and goods movement plan submitted to the
4 commission by the Secretary of Business, Transportation and
5 Housing and the Secretary for Environmental Protection. No
6 moneys shall be allocated from this fund until the report is
7 submitted to the commission for its consideration, provided the
8 report is submitted no later than January 1, 2007. The commission
9 shall also consult trade infrastructure and goods movement plans
10 adopted by regional transportation planning agencies, adopted
11 regional transportation plans required by state and federal law, and
12 the statewide port master plan prepared by the California Marine
13 and Intermodal Transportation System Advisory Council
14 (Cal-MITSAC) pursuant to Section 1760 of the Harbors and
15 Navigation Code, when determining eligible projects for funding.
16 Eligible projects for these funds include, but are not limited to, all
17 of the following:

18 (i) Highway capacity improvements and operational
19 improvements to more efficiently accommodate the movement of
20 freight, particularly for ingress and egress to and from the state's
21 seaports, including navigable inland waterways used to transport
22 freight between seaports, land ports of entry, and airports, and to
23 relieve traffic congestion along major trade or goods movement
24 corridors.

25 (ii) Freight rail system improvements to enhance the ability to
26 move goods from seaports, land ports of entry, and airports to
27 warehousing and distribution centers throughout California,
28 including projects that separate rail lines from highway or local
29 road traffic, improve freight rail mobility through mountainous
30 regions, relocate rail switching yards, and other projects that
31 improve the efficiency and capacity of the rail freight system.

32 (iii) Projects to enhance the capacity and efficiency of ports.

33 (iv) Truck corridor improvements, including dedicated truck
34 facilities or truck toll facilities.

35 (v) Border access improvements that enhance goods movement
36 between California and Mexico and that maximize the state's
37 ability to access coordinated border infrastructure funds made
38 available to the state by federal law.

39 (vi) Surface transportation improvements to facilitate the
40 movement of goods to and from the state's airports.

1 (B) The commission shall allocate funds for trade infrastructure
2 improvements from the account in a manner that (i) addresses the
3 state's most urgent needs, (ii) balances the demands of various
4 ports (between large and small ports, as well as between seaports,
5 airports, and land ports of entry), (iii) provides reasonable
6 geographic balance between the state's regions, and (iv) places
7 emphasis on projects that improve trade corridor mobility while
8 reducing emissions of diesel particulate and other pollutant
9 emissions. In addition, the commission shall also consider the
10 following factors when allocating these funds:

11 (i) "Velocity," which means the speed by which large cargo
12 would travel from the port through the distribution system.

13 (ii) "Throughput," which means the volume of cargo that would
14 move from the port through the distribution system.

15 (iii) "Reliability," which means a reasonably consistent and
16 predictable amount of time for cargo to travel from one point to
17 another on any given day or at any given time in California.

18 (iv) "Congestion reduction," which means the reduction in
19 recurrent daily hours of delay to be achieved.

20 (C) The commission shall allocate funds made available by this
21 paragraph to projects that have identified and committed
22 supplemental funding from appropriate local, federal, or private
23 sources. The commission shall determine the appropriate amount
24 of supplemental funding each project should have to be eligible
25 for moneys from this fund based on a project-by-project review
26 and an assessment of the project's benefit to the state and the
27 program. Except for border access improvements described in
28 clause (v) of subparagraph (A), improvements funded with moneys
29 from this fund shall have supplemental funding that is at least equal
30 to the amount of the contribution from the fund. The commission
31 may give priority for funding to projects with higher levels of
32 committed supplemental funding.

33 (D) The commission shall include in its annual report to the
34 Legislature, required by Section 14535, a summary of its activities
35 related to the administration of this program. The summary should,
36 at a minimum, include a description and the location of the projects
37 contained in the program, the amount of funds allocated to each
38 project, the status of each project, and a description of the mobility
39 and air quality improvements the program is achieving.

(2) One billion dollars (\$1,000,000,000) shall be made available, upon appropriation by the Legislature and subject to such conditions and criteria contained in a statute enacted by the Legislature, to the State Air Resources Board for emission reductions, not otherwise required by law or regulation, from activities related to the movement of freight along California's trade corridors. Funds made available by this paragraph are intended to supplement existing funds used to finance strategies and public benefit projects that reduce emissions and improve air quality in trade corridors commencing at the state's airports, seaports, and land ports of entry.

(3) One hundred million dollars (\$100,000,000) shall be available, upon appropriation by the Legislature, to the ~~Office of~~ *California Emergency Management Agency* to be allocated, as grants, for port, harbor, and ferry terminal security improvements. Eligible applicants shall be publicly owned ports, harbors, and ferryboat and ferry terminal operators, which may submit applications for projects that include, but are not limited to, the following:

- (A) Video surveillance equipment.
- (B) Explosives detection technology, including, but not limited to, X-ray devices.
- (C) Cargo scanners.
- (D) Radiation monitors.
- (E) Thermal protective equipment.
- (F) Site identification instruments capable of providing a fingerprint for a broad inventory of chemical agents.
- (G) Other devices capable of detecting weapons of mass destruction using chemical, biological, or other similar substances.
- (H) Other security equipment to assist in any of the following:
 - (i) Screening of incoming vessels, trucks, and incoming or outbound cargo.
 - (ii) Monitoring the physical perimeters of harbors, ports, and ferry terminals.
 - (iii) Providing or augmenting onsite emergency response capability.
- (I) Overweight cargo detection equipment, including, but not limited to, intermodal crane scales and truck weight scales.
- (J) Developing disaster preparedness or emergency response plans.

1 ~~The Office of Emergency Services shall report to the Legislature~~
2 ~~on March 1 of each year on the manner in which the funds available~~
3 ~~pursuant to this paragraph were expended for that fiscal year.~~

4 (d) Two hundred million dollars (\$200,000,000) shall be
5 available, upon appropriation by the Legislature, for schoolbus
6 retrofit and replacement to reduce air pollution and to reduce
7 children's exposure to diesel exhaust.

8 (e) Two billion dollars (\$2,000,000,000) shall be available for
9 projects in the state transportation improvement program, to
10 augment funds otherwise available for this purpose from other
11 sources. The funds provided by this subdivision shall be deposited
12 in the Transportation Facilities Account which is hereby created
13 in the fund, and shall be available, upon appropriation by the
14 Legislature, to the Department of Transportation, as allocated by
15 the California Transportation Commission in the same manner as
16 funds allocated for those projects under existing law.

17 (f) (1) Four billion dollars (\$4,000,000,000) shall be deposited
18 in the Public Transportation Modernization, Improvement, and
19 Service Enhancement Account, which is hereby created in the
20 fund. Funds in the account shall be made available, upon
21 appropriation by the Legislature, to the Department of
22 Transportation for intercity rail projects and to commuter or urban
23 rail operators, bus operators, waterborne transit operators, and
24 other transit operators in California for rehabilitation, safety or
25 modernization improvements, capital service enhancements or
26 expansions, new capital projects, bus rapid transit improvements,
27 or for rolling stock procurement, rehabilitation, or replacement.

28 (2) Of the funds made available in paragraph (1), four hundred
29 million dollars (\$400,000,000) shall be available, upon
30 appropriation by the Legislature, to the department for intercity
31 rail improvements, of which one hundred twenty-five million
32 dollars (\$125,000,000) shall be used for the procurement of
33 additional intercity railcars and locomotives.

34 (3) Of the funds remaining after the allocations in paragraph
35 (2), 50 percent shall be distributed to the Controller, for allocation
36 to eligible agencies using the formula in Section 99314 of the
37 Public Utilities Code, and 50 percent shall be distributed to the
38 Controller, for allocation to eligible agencies using the formula in
39 Section 99313 of the Public Utilities Code, subject to the provisions
40 governing funds allocated under those sections.

1 (g) One billion dollars (\$1,000,000,000) shall be deposited in
2 the State-Local Partnership Program Account, which is hereby
3 created in the fund. The funds shall be available, upon
4 appropriation by the Legislature and subject to such conditions
5 and criteria as the Legislature may provide by statute, for allocation
6 by the California Transportation Commission over a five-year
7 period to eligible transportation projects nominated by an applicant
8 transportation agency. A dollar-for-dollar match of local funds
9 shall be required for an applicant transportation agency to receive
10 state funds under this program.

11 (h) One billion dollars (\$1,000,000,000) shall be deposited in
12 the Transit System Safety, Security, and Disaster Response
13 Account, which is hereby created in the fund. Funds in the account
14 shall be made available, upon appropriation by the Legislature and
15 subject to such conditions and criteria as the Legislature may
16 provide by statute, for capital projects that provide increased
17 protection against a security and safety threat, and for capital
18 expenditures to increase the capacity of transit operators, including
19 waterborne transit operators, to develop disaster response
20 transportation systems that can move people, goods, and emergency
21 personnel and equipment in the aftermath of a disaster impairing
22 the mobility of goods, people, and equipment.

23 (i) One hundred twenty-five million dollars (\$125,000,000)
24 shall be deposited in the Local Bridge Seismic Retrofit Account,
25 which is hereby created in the fund. The funds in the account shall
26 be used, upon appropriation by the Legislature, to provide the 11.5
27 percent required match for federal Highway Bridge Replacement
28 and Repair funds available to the state for seismic work on local
29 bridges, ramps, and overpasses, as identified by the Department
30 of Transportation.

31 (j) (1) Two hundred fifty million dollars (\$250,000,000) shall
32 be deposited in the Highway-Railroad Crossing Safety Account,
33 which is hereby created in the fund. Funds in the account shall be
34 available, upon appropriation by the Legislature, to the Department
35 of Transportation for the completion of high-priority grade
36 separation and railroad crossing safety improvements. Funds in
37 the account shall be made available for allocation pursuant to the
38 process established in Chapter 10 (commencing with Section 2450)
39 of Division 3 of the Streets and Highways Code, except that a
40 dollar-for-dollar match of nonstate funds shall be provided for

1 each project, and the limitation on maximum project cost in
2 subdivision (g) of Section 2454 of the Streets and Highways Code
3 shall not be applicable to projects funded with these funds.

4 (2) Notwithstanding the funding allocation process described
5 in paragraph (1), in consultation with the department and the Public
6 Utilities Commission, the California Transportation Commission
7 shall allocate one hundred million dollars (\$100,000,000) of the
8 funds in the account to high-priority railroad crossing
9 improvements, including grade separation projects, that are not
10 part of the process established in Chapter 10 (commencing with
11 Section 2450) of Division 3 of the Streets and Highways Code.
12 The allocation of funds under this paragraph shall be made in
13 consultation and coordination with the High-Speed Rail Authority
14 created pursuant to Division 19.5 (commencing with Section
15 185000) of the Public Utilities Code.

16 (k) (1) Seven hundred fifty million dollars (\$750,000,000) shall
17 be deposited in the Highway Safety, Rehabilitation, and
18 Preservation Account, which is hereby created in the fund. Funds
19 in the account shall be available, upon appropriation by the
20 Legislature, to the Department of Transportation, as allocated by
21 the California Transportation Commission, for the purposes of the
22 state highway operation and protection program as described in
23 Section 14526.5.

24 (2) The department shall develop a program for distribution of
25 two hundred fifty million dollars (\$250,000,000) from the funds
26 identified in paragraph (1) to fund traffic light synchronization
27 projects or other technology-based improvements to improve
28 safety, operations, and the effective capacity of local streets and
29 roads.

30 (l) (1) Two billion dollars (\$2,000,000,000) shall be deposited
31 in the Local Streets and Road Improvement, Congestion Relief,
32 and Traffic Safety Account of 2006, which is hereby created in
33 the fund. The proceeds of bonds deposited into that account shall
34 be available, upon appropriation by the Legislature, for the
35 purposes specified in this subdivision to the Controller for
36 administration and allocation in the fiscal year in which the bonds
37 are issued and sold, including any interest or other return earned
38 on the investment of those moneys, in the following manner:

39 (A) Fifty percent to the counties, including a city and county,
40 in accordance with the following formulas:

1 (i) Seventy-five percent of the funds payable under this
2 subparagraph shall be apportioned among the counties in the
3 proportion that the number of fee-paid and exempt vehicles that
4 are registered in the county bears to the number of fee-paid and
5 exempt vehicles registered in the state.

6 (ii) Twenty-five percent of the funds payable under this
7 subparagraph shall be apportioned among the counties in the
8 proportion that the number of miles of maintained county roads
9 in each county bears to the total number of miles of maintained
10 county roads in the state. For the purposes of apportioning funds
11 under this clause, any roads within the boundaries of a city and
12 county that are not state highways shall be deemed to be county
13 roads.

14 (B) Fifty percent to the cities, including a city and county,
15 apportioned among the cities in the proportion that the total
16 population of the city bears to the total population of all the cities
17 in the state, provided, however, that the Controller shall allocate
18 a minimum of four hundred thousand dollars (\$400,000) to each
19 city, pursuant to this subparagraph.

20 (2) Funds received under this subdivision shall be deposited as
21 follows in order to avoid the commingling of those funds with
22 other local funds:

23 (A) In the case of a city, into the city account that is designated
24 for the receipt of state funds allocated for local streets and roads.

25 (B) In the case of an eligible county, into the county road fund.

26 (C) In the case of a city and county, into a local account that is
27 designated for the receipt of state funds allocated for local streets
28 and roads.

29 (3) For the purpose of allocating funds under this subdivision
30 to cities and a city and county, the Controller shall use the most
31 recent population estimates prepared by the Demographic Research
32 Unit of the Department of Finance. For a city that incorporated
33 after January 1, 1998, that does not appear on the most recent
34 population estimates prepared by the Demographic Research Unit,
35 the Controller shall use the population determined for that city
36 under Section 11005.3 of the Revenue and Taxation Code.

37 (4) Funds apportioned to a city, county, or city and county under
38 this subdivision, including any interest or other return earned on
39 the investment of those funds, shall be used for improvements to
40 transportation facilities that will assist in reducing local traffic

1 congestion and further deterioration, improving traffic flows, or
2 increasing traffic safety that may include, but not be limited to,
3 street and highway pavement maintenance, rehabilitation,
4 installation, construction and reconstruction of necessary associated
5 facilities such as drainage and traffic control devices, or the
6 maintenance, rehabilitation, installation, construction and
7 reconstruction of facilities that expand ridership on transit systems,
8 safety projects to reduce fatalities, or as a local match to obtain
9 state or federal transportation funds for similar purposes.

10 (5) At the conclusion of each fiscal year during which a city or
11 county expends the funds it has received under this subdivision,
12 including any interest or other return earned on the investment of
13 these funds, the Controller may verify the city's or county's
14 compliance with paragraph (4). Any city or county that has not
15 complied with paragraph (4) shall reimburse the state for the funds
16 it received during that fiscal year, including any interest or other
17 return earned on the investment of these funds. Any funds withheld
18 or returned as a result of a failure to comply with paragraph (4)
19 shall be reallocated to the other counties and cities whose
20 expenditures are in compliance.

21 SEC. 117. Section 8879.50 of the Government Code is amended
22 to read:

23 8879.50. (a) As used in this chapter and in Chapter 12.49
24 (commencing with Section 8879.20), the following terms have the
25 following meanings:

26 (1) "Commission" means the California Transportation
27 Commission.

28 (2) "Department" means the Department of Transportation.

29 (3) "Administrative agency" means the state agency responsible
30 for programming bond funds made available by Chapter 12.49
31 (commencing with Section 8879.20), as specified in subdivision
32 (c).

33 (4) Unless otherwise specified in this chapter, "project" includes
34 equipment purchase, construction, right-of-way acquisition, and
35 project delivery costs.

36 (5) "Recipient agency" means the recipient of bond funds made
37 available by Chapter 12.49 (commencing with Section 8879.20)
38 that is responsible for implementation of an approved project.

39 (6) "Fund" shall have the same meaning as in subdivision (c)
40 of Section 8879.20.

(b) Administrative costs, including audit and program oversight costs for agencies, commissions, or departments administering programs funded pursuant to this chapter, recoverable by bond funds shall not exceed 3 percent of the program's cost.

(c) The administrative agency for each bond account is as follows:

(1) The commission is the administrative agency for the Corridor Mobility Improvement Account; the Trade Corridors Improvement Fund; the Transportation Facilities Account; the State Route 99 Account; the State-Local Partnership Program Account; the Local Bridge Seismic Retrofit Account; the Highway-Railroad Crossing Safety Account; and the Highway Safety, Rehabilitation, and Preservation Account.

(2) ~~The Office of Homeland Security and the Office of Emergency Services are the administrative agencies~~ *California Emergency Management Agency is the administrative agency* for the Port and Maritime Security Account and the Transit System Safety, Security, and Disaster Response Account.

(3) The department is the administrative agency for the Public Transportation Modernization, Improvement, and Service Enhancement Account.

(d) The administrative agency shall not approve project fund allocations for a project until the recipient agency provides a project funding plan that demonstrates that the funds are expected to be reasonably available and sufficient to complete the project. The administrative agency may approve funding for usable project segments only if the benefits associated with each individual segment are sufficient to meet the objectives of the program from which the individual segment is funded.

(e) Guidelines adopted by the administrative agency pursuant to this chapter and Chapter 12.49 (commencing with Section 8879.20) are intended to provide internal guidance for the agency and shall be exempt from the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3), and shall do all of the following:

(1) Provide for the audit of project expenditures and outcomes.

(2) Require that the useful life of the project be identified as part of the project nomination process.

(3) Require that project nominations have project delivery milestones, including, but not limited to, start and completion dates

1 for environmental clearance, land acquisition, design, construction
2 bid award, construction completion, and project closeout, as
3 applicable.

4 (f) (1) As a condition for allocation of funds to a specific project
5 under Chapter 12.49 (commencing with Section 8879.20), the
6 administrative agency shall require the recipient agency to report,
7 on a semiannual basis, on the activities and progress made toward
8 implementation of the project. ~~The administrative agency shall~~
9 ~~forward the report to the Department of Finance by means approved~~
10 ~~by the Department of Finance. The purpose of the report is to~~
11 ~~ensure that the project is being executed in a timely fashion, and~~
12 ~~is within the scope and budget identified when the decision was~~
13 ~~made to fund the project.~~ If it is anticipated that project costs will
14 exceed the approved project budget, the recipient agency shall
15 provide a plan to the administrative agency for achieving the
16 benefits of the project by either downscoping the project to remain
17 within budget or by identifying an alternative funding source to
18 meet the cost increase. The administrative agency may either
19 approve the corrective plan or direct the recipient agency to modify
20 its plan.

21 (2) Within six months of the project becoming operable, the
22 recipient agency shall provide a report to the administrative agency
23 on the final costs of the project as compared to the approved project
24 budget, the project duration as compared to the original project
25 schedule as of the date of allocation, and performance outcomes
26 derived from the project compared to those described in the original
27 application for funding. The administrative agency shall forward
28 the report to the Department of Finance by means approved by the
29 Department of Finance.

30 SEC. 118. Section 8879.53 of the Government Code is amended
31 to read:

32 8879.53. (a) Funds for the program contained in paragraph
33 (3) of subdivision (c) of Section 8879.23 shall be deposited in the
34 Port and Maritime Security Account, which is hereby created in
35 the fund. *For purposes of this section, "agency" means the*
36 *California Emergency Management Agency.*

37 (b) Funds in the account shall be available to the ~~Office of~~
38 ~~Homeland Security (OHS), within the Office of Emergency~~
39 ~~Services,~~ agency upon appropriation by the Legislature. Funds
40 shall be made available as grants to eligible applicants, as defined

1 in paragraph (3) of subdivision (c) of Section 8879.23, for capital
2 projects that include, but are not limited to, those projects described
3 in paragraph (3) of subdivision (c) of Section 8879.23.

4 (c) Prior to allocating funds to projects from the account, the
5 ~~OHS~~ *agency* shall adopt guidelines to establish the criteria and
6 process for the distribution of funds. At least 30 days prior to
7 adopting the guidelines, the ~~OHS~~ *agency* shall hold a public hearing
8 on the proposed guidelines and shall provide opportunity for public
9 review and comment.

10 (d) In allocating funds from the account, the ~~OHS~~ *agency* shall
11 do the following:

12 (1) Address the state's most urgent maritime security needs.

13 (2) Balance the demands of the various *large and small* ports
14 ~~(between large and small)~~.

15 (3) Provide reasonable geographic balance in the distribution
16 of funds.

17 (e) The ~~OHS's~~ *agency's* activities to implement this section
18 shall be incorporated into the report to the Legislature required in
19 paragraph (3) of subdivision (c) of Section 8879.23.

20 SEC. 119. Section 8879.57 of the Government Code is amended
21 to read:

22 8879.57. Funds made available, upon appropriation of the
23 Legislature, from the Transit System Safety, Security, and Disaster
24 Response Account, created in subdivision (h) of Section 8879.23,
25 shall be allocated as follows:

26 (a) (1) Sixty percent of available funds shall be allocated for
27 capital expenditures to agencies and transit operators eligible to
28 receive State Transit Assistance funds pursuant to Sections 99313
29 and 99314 of the Public Utilities Code. Of these funds, 50 percent
30 shall be allocated to eligible agencies using the formula in Section
31 99314 of the Public Utilities Code, and 50 percent shall be allocated
32 to eligible agencies using the formula in Section 99313 of the
33 Public Utilities Code, subject to the provisions governing funds
34 allocated under those sections. Funds allocated to the Metropolitan
35 Transportation Commission pursuant to Section 99313 of the
36 Public Utilities Code shall be suballocated to transit operators
37 within its jurisdiction pursuant to Section 99314 of the Public
38 Utilities Code.

39 (2) Eligible capital expenditures shall include either of the
40 following:

1 (A) A capital project that provides increased protection against
2 a security or safety threat, including, but not limited to, the
3 following:

4 (i) Construction or renovation projects that are designed to
5 enhance the security of public transit stations, tunnels, guideways,
6 elevated structures, or other transit facilities and equipment.

7 (ii) Explosive device mitigation and remediation equipment.

8 (iii) Chemical, biological, radiological, and nuclear explosives
9 search, rescue, or response equipment.

10 (iv) Interoperable communications equipment.

11 (v) Physical security enhancement equipment.

12 (vi) The installation of fencing, barriers, gates, or related security
13 enhancements that are designed to improve the physical security
14 of transit stations, tunnels, guideways, elevated structures, or other
15 transit facilities and equipment.

16 (vii) Other security-related projects approved by the ~~Office of~~
17 ~~Homeland Security (OHS)~~ *California Emergency Management*
18 *Agency*.

19 (B) Capital expenditures to increase the capacity of transit
20 operators to develop disaster response transportation systems that
21 can move people, goods, and emergency personnel and equipment
22 in the aftermath of a disaster impairing the mobility of goods,
23 people, and equipment.

24 (b) (1) Twenty-five percent of available funds shall be allocated
25 for capital expenditures to regional public waterborne transit
26 agencies authorized to operate a regional public water transit
27 system, including the operation of water transit vessels, terminals,
28 and feeder buses, and not otherwise eligible to receive State Transit
29 Assistance funds as of the effective date of this article. Funds shall
30 be allocated for eligible capital expenditures that enhance the
31 capacity of regional public waterborne transit agencies to provide
32 disaster response transportation systems that can move people,
33 goods, and emergency personnel and equipment in the aftermath
34 of a disaster or emergency.

35 (2) Eligible capital expenditures include, but are not limited to,
36 the construction or acquisition of new vessels, the capital
37 improvement or construction of docks, terminals, or other
38 waterborne transit facilities, the purchase of related equipment,
39 and the construction of fueling facilities. A project shall (A)
40 provide capital facilities and equipment to a regional public

1 waterborne transit system that enhances the ability of the system
2 to respond to a regional emergency, (B) be included in a regional
3 plan, including, but not limited to, a regional plan for waterborne
4 transit expansion or disaster response preparedness, and (C) provide
5 maximum flexibility in responding to disasters or emergencies.

6 (c) (1) Fifteen percent of available funds shall be made available
7 for capital expenditures to the intercity passenger rail system
8 described in Section 14035 and to the commuter rail systems
9 operated by the entities specified in Section 14072 and in Section
10 99314.1 of the Public Utilities Code. Operators who receive
11 funding pursuant to this subdivision shall not be eligible to receive
12 funding pursuant to subdivision (a).

13 (2) Eligible capital expenditures shall include either of the
14 following:

15 (A) A capital project that provides increased protection against
16 a security or safety threat, including, but not limited to, the
17 following:

18 (i) Construction or renovation projects that are designed to
19 enhance the security of public transit stations, tunnels, guideways,
20 elevated structures, or other transit facilities and equipment.

21 (ii) Explosive device mitigation and remediation equipment.

22 (iii) Chemical, biological, radiological, and nuclear explosives
23 search, rescue, or response equipment.

24 (iv) Interoperable communications equipment.

25 (v) Physical security enhancement equipment.

26 (vi) The installation of fencing, barriers, gates, or related security
27 enhancements that are designed to improve the physical security
28 of transit stations, tunnels, guideways, elevated structures, or other
29 transit facilities and equipment.

30 (vii) Other security-related projects approved by ~~OHS~~ the
31 *California Emergency Management Agency*.

32 (B) Capital expenditures to increase the capacity of transit
33 operators to develop disaster response transportation systems that
34 can move people, goods, and emergency personnel and equipment
35 in the aftermath of a disaster impairing the mobility of goods,
36 people, and equipment.

37 SEC. 120. Section 8879.58 of the Government Code is amended
38 to read:

39 8879.58. (a) (1) No later than September 1 of the first fiscal
40 year in which the Legislature appropriates funds from the Transit

1 System Safety, Security, and Disaster Response Account, and no
2 later than September 1 of each fiscal year thereafter in which funds
3 are appropriated from that account, the Controller shall develop
4 and make public a list of eligible agencies and transit operators
5 and the amount of funds each is eligible to receive from the account
6 pursuant to subdivision (a) of Section 8879.57. It is the intent of
7 the Legislature that funds allocated to specified recipients pursuant
8 to this section provide each recipient with the same proportional
9 share of funds as the proportional share each received from the
10 allocation of State Transit Assistance funds, pursuant to Sections
11 99313 and 99314 of the Public Utilities Code, over fiscal years
12 2004–05, 2005–06, and 2006–07.

13 (2) In establishing the amount of funding each eligible recipient
14 is to receive under subdivision (a) of Section 8879.57 from
15 appropriated funds to be allocated based on Section 99313 of the
16 Public Utilities Code, the Controller shall make the following
17 computations:

18 (A) For each eligible recipient, compute the amounts of State
19 Transit Assistance funds allocated to that recipient pursuant to
20 Section 99313 of the Public Utilities Code during the 2004–05,
21 2005–06, and 2006–07 fiscal years.

22 (B) Compute the total statewide allocation of State Transit
23 Assistance funds pursuant to Section 99313 of the Public Utilities
24 Code during the 2004–05, 2005–06, and 2006–07 fiscal years.

25 (C) Divide subparagraph (A) by subparagraph (B).

26 (D) For each eligible recipient, multiply the allocation factor
27 computed pursuant to subparagraph (C) by 50 percent of the
28 amount available for allocation pursuant to subdivision (a) of
29 Section 8879.57.

30 (3) In establishing the amount of funding each eligible recipient
31 is eligible to receive under subdivision (a) of Section 8879.57 from
32 funds to be allocated based on Section 99314 of the Public Utilities
33 Code, the Controller shall make the following computations:

34 (A) For each eligible recipient, compute the amounts of State
35 Transit Assistance funds allocated to that recipient pursuant to
36 Section 99314 of the Public Utilities Code during the 2004–05,
37 2005–06, and 2006–07 fiscal years.

38 (B) Compute the total statewide allocation of State Transit
39 Assistance funds pursuant to Section 99314 of the Public Utilities
40 Code during the 2004–05, 2005–06, and 2006–07 fiscal years.

1 (C) Divide subparagraph (A) by subparagraph (B).

2 (D) For each eligible recipient, multiply the allocation factor
3 computed pursuant to subparagraph (C) by 50 percent of the
4 amount available for allocation pursuant to subdivision (a) of
5 Section 8879.57.

6 (4) The Controller shall notify eligible recipients of the amount
7 of funding each is eligible to receive pursuant to subdivision (a)
8 of Section 8879.57 for the duration of time that these funds are
9 made available for these purposes based on the computations
10 pursuant to subparagraph (D) of paragraph (2) and subparagraph
11 (D) of paragraph (3).

12 (b) Prior to seeking a disbursement of funds for an eligible
13 project, an agency or transit operator on the public list described
14 in paragraph (1) of subdivision (a) shall submit to ~~OHS~~ *the*
15 *California Emergency Management Agency* a description of the
16 project it proposes to fund with its share of funds from the account.
17 The description shall include all of the following:

18 (1) A summary of the proposed project that describes the safety,
19 security, or emergency response benefit that the project intends to
20 achieve.

21 (2) That the useful life of the project shall not be less than the
22 required useful life for capital assets specified in subdivision (a)
23 of Section 16727.

24 (3) The estimated schedule for the completion of the project.

25 (4) The total cost of the proposed project, including
26 identification of all funding sources necessary for the project to
27 be completed.

28 (c) After receiving the information required to be submitted
29 under subdivision (b), ~~OHS~~ *the agency* shall review the information
30 to determine all of the following:

31 (1) The project is consistent with the purposes described in
32 subdivision (h) of Section 8879.23.

33 (2) The project is an eligible capital expenditure, as described
34 in subdivision (a) of Section 8879.57.

35 (3) The project is a capital improvement that meets the
36 requirements of paragraph (2) of subdivision (b).

37 (4) The project, or a useful component thereof, is, or will become
38 fully funded with an allocation of funds from the Transit System
39 Safety, Security, and Disaster Response Account.

1 (d) (1) Upon conducting the review required in subdivision (c)
2 and determining that a proposed project meets the requirements
3 of that subdivision, ~~OHS the agency~~ shall, on a quarterly basis,
4 provide the Controller with a list of projects and the sponsoring
5 agencies or transit operators eligible to receive an allocation from
6 the account.

7 (2) The list of projects submitted to the Controller for allocation
8 for any one fiscal year shall be constrained by the total amount of
9 funds appropriated by the Legislature for the purposes of this
10 section for that fiscal year.

11 (3) For a fiscal year in which the number of projects submitted
12 for funding under this section exceeds available funds, ~~OHS the~~
13 *agency* shall prioritize projects contained on the lists submitted
14 pursuant to paragraph (1) so that (A) projects addressing the
15 greatest risks to the public have the highest priority and (B) to the
16 maximum extent possible, the list reflects a distribution of funding
17 that is geographically balanced.

18 (e) Upon receipt of the information from ~~OHS the agency~~
19 required by subdivision (d), the Controller's office shall commence
20 any necessary actions to allocate funds to eligible agencies and
21 transit operators sponsoring projects on the list of projects,
22 including, but not limited to, seeking the issuance of bonds for that
23 purpose. The total allocations to any one eligible agency or transit
24 operator shall not exceed that agencies or transit operator's share
25 of funds from the account pursuant to the formula contained in
26 subdivision (a) of Section 8879.57.

27 (f) The Controller's office may, pursuant to Section 12410, use
28 its authority to audit the use of state bond funds on projects
29 receiving an allocation under this section. Each eligible agency or
30 transit operator sponsoring a project subject to an audit shall
31 provide any and all data requested by the Controller's office in
32 order to complete the audit. The Controller's office shall transmit
33 copies of all completed audits to ~~OHS the agency~~ and to the policy
34 committees of the Legislature with jurisdiction over transportation
35 and budget issues.

36 SEC. 121. Section 8879.60 of the Government Code is amended
37 to read:

38 8879.60. (a) For funds appropriated from the Transit System
39 Safety, Security, and Disaster Response Account for allocation to
40 intercity and commuter rail operators eligible to receive funds

1 pursuant to subdivision (c) of Section 8879.57, the ~~Office of~~
2 ~~Homeland Security (OHS)~~ *California Emergency Management*
3 *Agency* shall administer a grant application and award program
4 for those intercity and commuter rail operators.

5 (b) Funds awarded to intercity and commuter rail operators
6 pursuant to this section shall be for eligible capital expenditures
7 as described in subdivision (c) of Section 8879.57.

8 (c) Prior to allocating funds to projects pursuant to this section,
9 ~~OHS~~ *the agency* shall adopt guidelines to establish the criteria and
10 process for the distribution of funds described in this section. Prior
11 to adopting the guidelines, ~~OHS~~ *the agency* shall hold a public
12 hearing on the proposed guidelines.

13 (d) For each fiscal year in which funds are appropriated for the
14 purposes of this section, ~~OHS~~ *the agency* shall issue a notice of
15 funding availability no later than October 1.

16 (e) No later than December 1 of each fiscal year in which the
17 notice in subdivision (d) is issued, eligible intercity and commuter
18 rail operators may submit project nominations for funding to ~~OHS~~
19 *the agency* for its review and consideration. Project nominations
20 shall include all of the following:

21 (1) A description of the project, which shall illustrate the
22 physical components of the project and the security or emergency
23 response benefit to be achieved by the completion of the project.

24 (2) Identification of all nonbond sources of funding committed
25 to the project.

26 (3) An estimate of the project's full cost and the proposed
27 schedule for the project's completion.

28 (f) No later than February 1, ~~OHS~~ *the agency* shall select eligible
29 projects to receive grants under this section. Grants awarded to
30 intercity and commuter rail operators pursuant to subdivision (c)
31 of Section 8879.57 shall be for eligible capital expenditures, as
32 described in subparagraphs (A) and (B) of paragraph (2) of
33 subdivision (c) of that section.

34 SEC. 122. Section 8879.61 of the Government Code is amended
35 to read:

36 8879.61. (a) Entities described in subdivisions (a), (b), and
37 (c) of Section 8879.57 receiving an allocation of funds pursuant
38 to this article shall expend those funds within three fiscal years of
39 the fiscal year in which the funds were allocated. Funds remaining
40 unexpended thereafter shall revert to ~~OHS~~ or ~~OES~~ *the California*

1 *Emergency Management Agency*, as applicable, for reallocation
2 in subsequent fiscal years.

3 (b) Entities that receive grant awards from funds allocated
4 pursuant to subdivisions (b) or (c) of Section 8879.57 are not
5 eligible to receive awards from the funds allocated pursuant to
6 subdivision (a) of Section 8879.57.

7 ~~(c) On or before May 1 of each year, OHS and OES shall report~~
8 ~~to the Legislature on their activities under this article. The report~~
9 ~~shall include a summary of the projects selected for funding during~~
10 ~~the fiscal year in which awards were made, as well as the status~~
11 ~~of projects selected for funding in prior fiscal years.~~

12 ~~(d)~~

13 (c) Funds appropriated for the program established by this article
14 in the Budget Act of 2007 shall be allocated consistent with the
15 allocation schedule established in Section 8879.57.

16 SEC. 123. Section 9147.5 of the Government Code is repealed.

17 ~~9147.5. (a) Notwithstanding Section 7550.5, the Director of~~
18 ~~Homeland Security, in collaboration with the State Department of~~
19 ~~Health Services, shall, on or before February 1 of each year, report~~
20 ~~to the chairperson of the Joint Legislative Budget Committee, the~~
21 ~~chairperson of the transportation committee of each house of the~~
22 ~~Legislature, and the chairperson of the budget committee of each~~
23 ~~house of the Legislature, on their respective expenditures of federal~~
24 ~~homeland security and bioterrorism funds.~~

25 ~~(b) The report shall include all of the following information:~~

26 ~~(1) Descriptions of grant expenditures and coordination activities~~
27 ~~at the state and local level that have occurred over the past fiscal~~
28 ~~year.~~

29 ~~(2) How those activities met the state's strategic goals and~~
30 ~~objectives.~~

31 ~~(3) Funding amounts awarded to state and local agencies.~~

32 ~~(4) Funding levels by grant and grant year, designating which~~
33 ~~funds have been expended or encumbered, or remain~~
34 ~~unencumbered.~~

35 ~~(5) Any challenges encountered by state or local agencies that~~
36 ~~hindered their expenditure of the funds.~~

37 ~~(6) Areas of focus for the upcoming fiscal year.~~

38 ~~(c) The report shall also include information on the policies,~~
39 ~~projects, and funding necessary to protect the state's harbor~~

1 facilities, port facilities, and the commercial marine transportation
2 sector from terrorist attack.

3 ~~(1) The director shall consult with representatives of federal,~~
4 ~~state, and local governments, harbor facilities, port facilities, the~~
5 ~~marine trade industry, the commercial marine transportation~~
6 ~~industry, marine transportation labor organizations, businesses~~
7 ~~located near harbors or ports, and residents residing near harbors~~
8 ~~or ports.~~

9 ~~(2) For purposes of this subdivision the report shall do all of~~
10 ~~the following:~~

11 ~~(A) Identify existing sources and amounts of funding.~~

12 ~~(B) Identify the unmet funding need.~~

13 ~~(C) Provide specific and verifiable information regarding the~~
14 ~~percentage of marine cargo containers that receive one or more of~~
15 ~~the following:~~

16 ~~(i) Technical screening.~~

17 ~~(ii) Hand inspection.~~

18 ~~(iii) Transport tracking by technical or other means.~~

19 ~~(d) Nothing in this section shall be construed to require the~~
20 ~~Director of Homeland Security or the State Department of Health~~
21 ~~Services to disclose or include classified information.~~

22 SEC. 124. Section 11126 of the Government Code is amended
23 to read:

24 11126. (a) (1) Nothing in this article shall be construed to
25 prevent a state body from holding closed sessions during a regular
26 or special meeting to consider the appointment, employment,
27 evaluation of performance, or dismissal of a public employee or
28 to hear complaints or charges brought against that employee by
29 another person or employee unless the employee requests a public
30 hearing.

31 (2) As a condition to holding a closed session on the complaints
32 or charges to consider disciplinary action or to consider dismissal,
33 the employee shall be given written notice of his or her right to
34 have a public hearing, rather than a closed session, and that notice
35 shall be delivered to the employee personally or by mail at least
36 24 hours before the time for holding a regular or special meeting.
37 If notice is not given, any disciplinary or other action taken against
38 any employee at the closed session shall be null and void.

1 (3) The state body also may exclude from any public or closed
2 session, during the examination of a witness, any or all other
3 witnesses in the matter being investigated by the state body.

4 (4) Following the public hearing or closed session, the body
5 may deliberate on the decision to be reached in a closed session.

6 (b) For the purposes of this section, “employee” does not include
7 any person who is elected to, or appointed to a public office by,
8 any state body. However, officers of the California State University
9 who receive compensation for their services, other than per diem
10 and ordinary and necessary expenses, shall, when engaged in that
11 capacity, be considered employees. Furthermore, for purposes of
12 this section, the term employee includes a person exempt from
13 civil service pursuant to subdivision (e) of Section 4 of Article VII
14 of the California Constitution.

15 (c) Nothing in this article shall be construed to do any of the
16 following:

17 (1) Prevent state bodies that administer the licensing of persons
18 engaging in businesses or professions from holding closed sessions
19 to prepare, approve, grade, or administer examinations.

20 (2) Prevent an advisory body of a state body that administers
21 the licensing of persons engaged in businesses or professions from
22 conducting a closed session to discuss matters that the advisory
23 body has found would constitute an unwarranted invasion of the
24 privacy of an individual licensee or applicant if discussed in an
25 open meeting, provided the advisory body does not include a
26 quorum of the members of the state body it advises. Those matters
27 may include review of an applicant’s qualifications for licensure
28 and an inquiry specifically related to the state body’s enforcement
29 program concerning an individual licensee or applicant where the
30 inquiry occurs prior to the filing of a civil, criminal, or
31 administrative disciplinary action against the licensee or applicant
32 by the state body.

33 (3) Prohibit a state body from holding a closed session to
34 deliberate on a decision to be reached in a proceeding required to
35 be conducted pursuant to Chapter 5 (commencing with Section
36 11500) or similar provisions of law.

37 (4) Grant a right to enter any correctional institution or the
38 grounds of a correctional institution where that right is not
39 otherwise granted by law, nor shall anything in this article be
40 construed to prevent a state body from holding a closed session

1 when considering and acting upon the determination of a term,
2 parole, or release of any individual or other disposition of an
3 individual case, or if public disclosure of the subjects under
4 discussion or consideration is expressly prohibited by statute.

5 (5) Prevent any closed session to consider the conferring of
6 honorary degrees, or gifts, donations, and bequests that the donor
7 or proposed donor has requested in writing to be kept confidential.

8 (6) Prevent the Alcoholic Beverage Control Appeals Board from
9 holding a closed session for the purpose of holding a deliberative
10 conference as provided in Section 11125.

11 (7) (A) Prevent a state body from holding closed sessions with
12 its negotiator prior to the purchase, sale, exchange, or lease of real
13 property by or for the state body to give instructions to its
14 negotiator regarding the price and terms of payment for the
15 purchase, sale, exchange, or lease.

16 (B) However, prior to the closed session, the state body shall
17 hold an open and public session in which it identifies the real
18 property or real properties that the negotiations may concern and
19 the person or persons with whom its negotiator may negotiate.

20 (C) For purposes of this paragraph, the negotiator may be a
21 member of the state body.

22 (D) For purposes of this paragraph, “lease” includes renewal or
23 renegotiation of a lease.

24 (E) Nothing in this paragraph shall preclude a state body from
25 holding a closed session for discussions regarding eminent domain
26 proceedings pursuant to subdivision (e).

27 (8) Prevent the California Postsecondary Education Commission
28 from holding closed sessions to consider matters pertaining to the
29 appointment or termination of the Director of the California
30 Postsecondary Education Commission.

31 (9) Prevent the Council for Private Postsecondary and
32 Vocational Education from holding closed sessions to consider
33 matters pertaining to the appointment or termination of the
34 Executive Director of the Council for Private Postsecondary and
35 Vocational Education.

36 (10) Prevent the Franchise Tax Board from holding closed
37 sessions for the purpose of discussion of confidential tax returns
38 or information the public disclosure of which is prohibited by law,
39 or from considering matters pertaining to the appointment or
40 removal of the Executive Officer of the Franchise Tax Board.

1 (11) Require the Franchise Tax Board to notice or disclose any
2 confidential tax information considered in closed sessions, or
3 documents executed in connection therewith, the public disclosure
4 of which is prohibited pursuant to Article 2 (commencing with
5 Section 19542) of Chapter 7 of Part 10.2 of Division 2 of the
6 Revenue and Taxation Code.

7 (12) Prevent the Corrections Standards Authority from holding
8 closed sessions when considering reports of crime conditions under
9 Section 6027 of the Penal Code.

10 (13) Prevent the State Air Resources Board from holding closed
11 sessions when considering the proprietary specifications and
12 performance data of manufacturers.

13 (14) Prevent the State Board of Education or the Superintendent
14 of Public Instruction, or any committee advising the board or the
15 Superintendent, from holding closed sessions on those portions of
16 its review of assessment instruments pursuant to Chapter 5
17 (commencing with Section 60600) of, or pursuant to Chapter 9
18 (commencing with Section 60850) of, Part 33 of Division 4 of
19 Title 2 of the Education Code during which actual test content is
20 reviewed and discussed. The purpose of this provision is to
21 maintain the confidentiality of the assessments under review.

22 (15) Prevent the California Integrated Waste Management Board
23 or its auxiliary committees from holding closed sessions for the
24 purpose of discussing confidential tax returns, discussing trade
25 secrets or confidential or proprietary information in its possession,
26 or discussing other data, the public disclosure of which is
27 prohibited by law.

28 (16) Prevent a state body that invests retirement, pension, or
29 endowment funds from holding closed sessions when considering
30 investment decisions. For purposes of consideration of shareholder
31 voting on corporate stocks held by the state body, closed sessions
32 for the purposes of voting may be held only with respect to election
33 of corporate directors, election of independent auditors, and other
34 financial issues that could have a material effect on the net income
35 of the corporation. For the purpose of real property investment
36 decisions that may be considered in a closed session pursuant to
37 this paragraph, a state body shall also be exempt from the
38 provisions of paragraph (7) relating to the identification of real
39 properties prior to the closed session.

(17) Prevent a state body, or boards, commissions, administrative officers, or other representatives that may properly be designated by law or by a state body, from holding closed sessions with its representatives in discharging its responsibilities under Chapter 10 (commencing with Section 3500), Chapter 10.3 (commencing with Section 3512), Chapter 10.5 (commencing with Section 3525), or Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 as the sessions relate to salaries, salary schedules, or compensation paid in the form of fringe benefits. For the purposes enumerated in the preceding sentence, a state body may also meet with a state conciliator who has intervened in the proceedings.

(18) (A) Prevent a state body from holding closed sessions to consider matters posing a threat or potential threat of criminal or terrorist activity against the personnel, property, buildings, facilities, or equipment, including electronic data, owned, leased, or controlled by the state body, where disclosure of these considerations could compromise or impede the safety or security of the personnel, property, buildings, facilities, or equipment, including electronic data, owned, leased, or controlled by the state body.

(B) Notwithstanding any other provision of law, a state body, at any regular or special meeting, may meet in a closed session pursuant to subparagraph (A) upon a two-thirds vote of the members present at the meeting.

(C) After meeting in closed session pursuant to subparagraph (A), the state body shall reconvene in open session prior to adjournment and report that a closed session was held pursuant to subparagraph (A), the general nature of the matters considered, and whether any action was taken in closed session.

(D) After meeting in closed session pursuant to subparagraph (A), the state body shall submit to the Legislative Analyst written notification stating that it held this closed session, the general reason or reasons for the closed session, the general nature of the matters considered, and whether any action was taken in closed session. The Legislative Analyst shall retain for no less than four years any written notification received from a state body pursuant to this subparagraph.

(d) (1) Notwithstanding any other provision of law, any meeting of the Public Utilities Commission at which the rates of entities

1 under the commission's jurisdiction are changed shall be open and
2 public.

3 (2) Nothing in this article shall be construed to prevent the
4 Public Utilities Commission from holding closed sessions to
5 deliberate on the institution of proceedings, or disciplinary actions
6 against any person or entity under the jurisdiction of the
7 commission.

8 (e) (1) Nothing in this article shall be construed to prevent a
9 state body, based on the advice of its legal counsel, from holding
10 a closed session to confer with, or receive advice from, its legal
11 counsel regarding pending litigation when discussion in open
12 session concerning those matters would prejudice the position of
13 the state body in the litigation.

14 (2) For purposes of this article, all expressions of the
15 lawyer-client privilege other than those provided in this subdivision
16 are hereby abrogated. This subdivision is the exclusive expression
17 of the lawyer-client privilege for purposes of conducting closed
18 session meetings pursuant to this article. For purposes of this
19 subdivision, litigation shall be considered pending when any of
20 the following circumstances exist:

21 (A) An adjudicatory proceeding before a court, an administrative
22 body exercising its adjudicatory authority, a hearing officer, or an
23 arbitrator, to which the state body is a party, has been initiated
24 formally.

25 (B) (i) A point has been reached where, in the opinion of the
26 state body on the advice of its legal counsel, based on existing
27 facts and circumstances, there is a significant exposure to litigation
28 against the state body.

29 (ii) Based on existing facts and circumstances, the state body
30 is meeting only to decide whether a closed session is authorized
31 pursuant to clause (i).

32 (C) (i) Based on existing facts and circumstances, the state
33 body has decided to initiate or is deciding whether to initiate
34 litigation.

35 (ii) The legal counsel of the state body shall prepare and submit
36 to it a memorandum stating the specific reasons and legal authority
37 for the closed session. If the closed session is pursuant to paragraph
38 (1), the memorandum shall include the title of the litigation. If the
39 closed session is pursuant to subparagraph (A) or (B), the
40 memorandum shall include the existing facts and circumstances

1 on which it is based. The legal counsel shall submit the
2 memorandum to the state body prior to the closed session, if
3 feasible, and in any case no later than one week after the closed
4 session. The memorandum shall be exempt from disclosure
5 pursuant to Section 6254.25.

6 (iii) For purposes of this subdivision, “litigation” includes any
7 adjudicatory proceeding, including eminent domain, before a court,
8 administrative body exercising its adjudicatory authority, hearing
9 officer, or arbitrator.

10 (iv) Disclosure of a memorandum required under this
11 subdivision shall not be deemed as a waiver of the lawyer-client
12 privilege, as provided for under Article 3 (commencing with
13 Section 950) of Chapter 4 of Division 8 of the Evidence Code.

14 (f) In addition to subdivisions (a), (b), and (c), nothing in this
15 article shall be construed to do any of the following:

16 (1) Prevent a state body operating under a joint powers
17 agreement for insurance pooling from holding a closed session to
18 discuss a claim for the payment of tort liability or public liability
19 losses incurred by the state body or any member agency under the
20 joint powers agreement.

21 (2) Prevent the examining committee established by the State
22 Board of Forestry and Fire Protection, pursuant to Section 763 of
23 the Public Resources Code, from conducting a closed session to
24 consider disciplinary action against an individual professional
25 forester prior to the filing of an accusation against the forester
26 pursuant to Section 11503.

27 (3) Prevent an administrative committee established by the
28 California Board of Accountancy pursuant to Section 5020 of the
29 Business and Professions Code from conducting a closed session
30 to consider disciplinary action against an individual accountant
31 prior to the filing of an accusation against the accountant pursuant
32 to Section 11503. Nothing in this article shall be construed to
33 prevent an examining committee established by the California
34 Board of Accountancy pursuant to Section 5023 of the Business
35 and Professions Code from conducting a closed hearing to
36 interview an individual applicant or accountant regarding the
37 applicant’s qualifications.

38 (4) Prevent a state body, as defined in subdivision (b) of Section
39 11121, from conducting a closed session to consider any matter

1 that properly could be considered in closed session by the state
2 body whose authority it exercises.

3 (5) Prevent a state body, as defined in subdivision (d) of Section
4 11121, from conducting a closed session to consider any matter
5 that properly could be considered in a closed session by the body
6 defined as a state body pursuant to subdivision (a) or (b) of Section
7 11121.

8 (6) Prevent a state body, as defined in subdivision (c) of Section
9 11121, from conducting a closed session to consider any matter
10 that properly could be considered in a closed session by the state
11 body it advises.

12 (7) Prevent the State Board of Equalization from holding closed
13 sessions for either of the following:

14 (A) When considering matters pertaining to the appointment or
15 removal of the Executive Secretary of the State Board of
16 Equalization.

17 (B) For the purpose of hearing confidential taxpayer appeals or
18 data, the public disclosure of which is prohibited by law.

19 (8) Require the State Board of Equalization to disclose any
20 action taken in closed session or documents executed in connection
21 with that action, the public disclosure of which is prohibited by
22 law pursuant to Sections 15619 and 15641 of this code and Sections
23 833, 7056, 8255, 9255, 11655, 30455, 32455, 38705, 38706, 43651,
24 45982, 46751, 50159, 55381, and 60609 of the Revenue and
25 Taxation Code.

26 (9) Prevent the California Earthquake Prediction Evaluation
27 Council, or other body appointed to advise the ~~Director of the~~
28 ~~Office of Emergency Services~~ *Secretary of the California*
29 *Emergency Management Agency* or the Governor concerning
30 matters relating to volcanic or earthquake predictions, from holding
31 closed sessions when considering the evaluation of possible
32 predictions.

33 (g) This article does not prevent either of the following:

34 (1) The Teachers' Retirement Board or the Board of
35 Administration of the Public Employees' Retirement System from
36 holding closed sessions when considering matters pertaining to
37 the recruitment, appointment, employment, or removal of the chief
38 executive officer or when considering matters pertaining to the
39 recruitment or removal of the Chief Investment Officer of the State

1 Teachers' Retirement System or the Public Employees' Retirement
2 System.

3 (2) The Commission on Teacher Credentialing from holding
4 closed sessions when considering matters relating to the
5 recruitment, appointment, or removal of its executive director.

6 (h) This article does not prevent the Board of Administration
7 of the Public Employees' Retirement System from holding closed
8 sessions when considering matters relating to the development of
9 rates and competitive strategy for plans offered pursuant to Chapter
10 15 (commencing with Section 21660) of Part 3 of Division 5 of
11 Title 2.

12 (i) This article does not prevent the Managed Risk Medical
13 Insurance Board from holding closed sessions when considering
14 matters related to the development of rates and contracting strategy
15 for entities contracting or seeking to contract with the board
16 pursuant to Part 6.2 (commencing with Section 12693), Part 6.3
17 (commencing with Section 12695), Part 6.4 (commencing with
18 Section 12699.50), or Part 6.5 (commencing with Section 12700)
19 of Division 2 of the Insurance Code.

20 (j) Nothing in this article shall be construed to prevent the board
21 of the State Compensation Insurance Fund from holding closed
22 sessions in the following:

23 (1) When considering matters related to claims pursuant to
24 Chapter 1 (commencing with Section 3200) of Division 4 of the
25 Labor Code, to the extent that confidential medical information
26 or other individually identifiable information would be disclosed.

27 (2) To the extent that matters related to audits and investigations
28 that have not been completed would be disclosed.

29 (3) To the extent that an internal audit containing proprietary
30 information would be disclosed.

31 (4) To the extent that the session would address the development
32 of rates, contracting strategy, underwriting, or competitive strategy,
33 pursuant to the powers granted to the board in Chapter 4
34 (commencing with Section 11770) of Part 3 of Division 2 of the
35 Insurance Code, when discussion in open session concerning those
36 matters would prejudice the position of the State Compensation
37 Insurance Fund.

38 (k) The State Compensation Insurance Fund shall comply with
39 the procedures specified in Section 11125.4 of the Government
40 Code with respect to any closed session or meeting authorized by

1 subdivision (j), and in addition shall provide an opportunity for a
2 member of the public to be heard on the issue of the
3 appropriateness of closing the meeting or session.

4 SEC. 125. Section 11549.4 of the Government Code is amended
5 to read:

6 11549.4. The office shall consult with the State Chief
7 Information Officer, the ~~Office of Emergency Services~~ *California*
8 *Emergency Management Agency*, the Director of General Services,
9 the Director of Finance, and any other relevant agencies concerning
10 policies, standards, and procedures related to information security
11 and privacy.

12 SEC. 126. Section 12800 of the Government Code is amended
13 to read:

14 12800. There are in the state government the following
15 agencies: State and Consumer Services; Business, Transportation
16 and Housing; *California Emergency Management*; California
17 Environmental Protection; California Health and Human Services;
18 Labor and Workforce Development; Natural Resources; and Youth
19 and Adult Correctional.

20 Whenever the term “Agriculture and Services Agency” appears
21 in any law, it means the “State and Consumer Services Agency,”
22 and whenever the term “Secretary of Agriculture and Services
23 Agency” appears in any law, it means the “Secretary of State and
24 Consumer Services.”

25 Whenever the term “Business and Transportation Agency”
26 appears in any law, it means the “Business, Transportation and
27 Housing Agency,” and whenever the term “Secretary of the
28 Business and Transportation Agency” appears in any law, it means
29 the “Secretary of Business, Transportation and Housing.”

30 Whenever the term “Health and Welfare Agency” appears in
31 any law, it means the “California Health and Human Services
32 Agency,” and whenever the term “Secretary of the Health and
33 Welfare Agency” appears in any law, it means the “Secretary of
34 California Health and Human Services.”

35 Whenever the term “Resources Agency” appears in any law, it
36 means the “Natural Resources Agency,” and whenever the term
37 “Secretary of the Resources Agency” appears in any law, it means
38 the “Secretary of the Natural Resources Agency.”

39 SEC. 127. Section 14669.21 of the Government Code is
40 amended to read:

1 14669.21. (a) The Director of the Department of General
2 Services is authorized to acquire, develop, design, and construct,
3 according to plans and specifications approved by the Los Angeles
4 Regional Crime Laboratory Facility Authority, an approximately
5 200,000 gross square foot regional criminal justice laboratory,
6 necessary infrastructure, and related surface parking to
7 accommodate approximately 600 cars on the Los Angeles campus
8 of the California State University. In accordance with this
9 authorization, the director is authorized to enter into any
10 agreements, contracts, leases, or other documents necessary to
11 effectuate and further the transaction. Further, the Los Angeles
12 Regional Crime Laboratory Facility Authority is authorized to
13 assign, and the director is authorized to accept, all contracts already
14 entered into by the Los Angeles Regional Crime Laboratory
15 Facility Authority for the development and design of this project.
16 It is acknowledged that these contracts will have to be modified
17 to make them consistent with the standards for state projects. The
18 director is additionally authorized to enter into a long-term ground
19 lease for 75 years with the Trustees of the California State
20 University for the land within the Los Angeles campus on which
21 the project is to be constructed. At the end of the ground lease
22 term, unencumbered title to the land shall return to the trustees
23 and, at the option of the trustees, ownership of any improvements
24 constructed pursuant to this section shall vest in the trustees. The
25 trustees are authorized and directed to fully cooperate and enter
26 into a ground lease with the Department of General Services upon
27 the terms and conditions that will facilitate the financing of this
28 project by the State Public Works Board. The trustees shall obtain
29 concurrence from the Los Angeles Regional Crime Laboratory
30 Facility Authority in the development of the long-term ground
31 lease referenced in this section. In his or her capacity, the director
32 is directed to obtain concurrence and approval from the trustees
33 relating to the design and construction of the facility consistent
34 with the trustees' reasonable requirements.

35 (b) The State Public Works Board is authorized to issue lease
36 revenue bonds, negotiable notes, or negotiable bond anticipation
37 notes pursuant to the State Building Construction Act of 1955 (Part
38 10b (commencing with Section 15800) for the acquisition,
39 development, design, and construction of the regional crime
40 laboratory as described in this section. The project shall be

1 acquired, developed, designed, and constructed on behalf of the
2 State Public Works Board and the agency or agencies designated
3 by the Director of Finance pursuant to Section 13820 of the Penal
4 Code *California Emergency Management Agency* by the
5 Department of General Services in accordance with state laws
6 applicable to state projects provided, however, that the contractor
7 prequalification specified in Section 20101 of the Public Contract
8 Code may be utilized. For purposes of compliance with the
9 California Environmental Quality Act (Division 13 (commencing
10 with Section 21000) of the Public Resources Code) the agency or
11 agencies designated by the Director of Finance pursuant to Section
12 13820 of the Penal Code is the lead agency, and the trustees, acting
13 through California State University at Los Angeles, and the Los
14 Angeles Regional Crime Laboratory Facility Authority are
15 responsible agencies.

16 (c) The State Public Works Board and the agency or agencies
17 designated by the Director of Finance pursuant to Section 13820
18 of the Penal Code may borrow funds for project costs from the
19 Pooled Money Investment Account, pursuant to Sections 16312
20 and 16313, or from any other appropriate source. In the event the
21 bonds authorized by this section for the project are not sold, the
22 agency or agencies designated by the Director of Finance pursuant
23 to Section 13820 of the Penal Code shall commit a sufficient
24 amount of its support appropriation to repay any loans made for
25 the project.

26 (d) The amount of lease revenue bonds, negotiable notes, or
27 negotiable bond anticipation notes to be issued by the State Public
28 Works Board shall not exceed ninety-two million dollars
29 (\$92,000,000) and any additional sums necessary to pay interim
30 and permanent financing costs. The additional sums may also
31 include interest and a reasonably required reserve fund. This
32 amount includes additional estimated project costs associated with
33 reformatting the initial local assistance appropriation into a state
34 managed and constructed regional crime laboratory project.

35 (e) The agency or agencies designated by the Director of Finance
36 pursuant to Section 13820 of the Penal Code may execute a
37 contract with the State Public Works Board for the lease of the
38 regional crime laboratory facilities described in this section that
39 are financed with the proceeds of the board's bonds. Further, and
40 notwithstanding any other provision of law, the agency or agencies

1 designated by the Director of Finance pursuant to Section 13820
2 of the Penal Code is authorized to enter into contracts and subleases
3 with the trustees, the Los Angeles Regional Crime Laboratory
4 Facility Authority, the Department of Justice, and any other
5 appropriate state or local agency, with the consent of the State
6 Public Works Board and the Department of General Services, for
7 the use, maintenance, and operation of the financed regional crime
8 laboratory facilities described in this section.

9 (f) When all of the bonds or notes authorized pursuant to
10 subdivision (d) have been paid in full or provided for in accordance
11 with their terms, notwithstanding any other provision of law, the
12 Department of General Services shall assign the ground lease
13 entered into pursuant to subdivision (a) to the Los Angeles
14 Regional Crime Laboratory Facility Authority or its successor
15 agency. At that time, the ground lease may be amended as agreed
16 to by the trustees and the Los Angeles Regional Crime Laboratory
17 Facility Authority or its successor agency.

18 SEC. 128. Section 19844.5 of the Government Code is amended
19 to read:

20 19844.5. (a) A state employee who is called into service by
21 the ~~Office of Emergency Services~~ *California Emergency*
22 *Management Agency* pursuant to a mission assignment number
23 for the purpose of engaging in a search and rescue operation,
24 disaster mission, or other life-saving mission conducted within the
25 state is entitled to administrative time off from his or her appointing
26 power. The appointing power shall not be liable for payment of
27 any disability or death benefits in the event the employee is injured
28 or killed in the course of service to the ~~Office of Emergency~~
29 ~~Services~~ *California Emergency Management Agency*, but the
30 employee shall remain entitled to any benefits currently provided
31 by the ~~office~~ *agency*.

32 (b) The period of the duty described in subdivision (a) shall not
33 exceed 10 calendar days per fiscal year, including the time involved
34 in going to and returning from the duty. A single mission shall not
35 exceed three days, unless an extension of time is granted by the
36 office and the appointing power.

37 (c) This section shall apply only to volunteers participating in
38 the California Explorer Search and Rescue Team, Drowning
39 Accident Rescue Team, Wilderness Organization of Finders,

California Rescue Dog Association, and the California Wing of the Civil Air Patrol.

(d) A state employee engaging in a duty as described in this section shall not receive overtime compensation for the hours of time off taken but shall receive normal compensation.

(e) A state employee shall be released to engage in a duty described in this section at the discretion of the appointing power. However, leave shall not be unreasonably denied. The appointing power shall also establish a procedure whereby state employees who receive weekend or evening requests to serve may be released to do so.

SEC. 129. Section 26614 of the Government Code is amended to read:

26614. The board of supervisors of a county may authorize the sheriff to search for and rescue persons who are lost or are in danger of their lives within or in the immediate vicinity of the county. The expense incurred by the sheriff in the performance of those duties shall be a proper county charge. Authorization for search and rescue activities shall be consistent with guidelines and operating plans contained in the Search and Rescue Model Operating Plan, as developed and adopted by the ~~Office of Emergency Services~~ *California Emergency Management Agency* in consultation with fire protection and law enforcement service providers. The ~~Office of Emergency Services~~ *California Emergency Management Agency* shall make the plan available to counties and fire protection and law enforcement agencies for use and adoption by the board of supervisors and the governing boards of all search and rescue providers. If the board assigns responsibility for search and rescue activities in a manner that is inconsistent with these model operating guidelines, the board shall adopt a resolution to clarify why the local model provides better protections than the Search and Rescue Model Operating Plan, as developed by the ~~Office of Emergency Services~~ *California Emergency Management Agency*, to residents in need of county search and rescue services. Counties are encouraged to adopt their countywide search and rescue plans and to review them on a regular basis. A review of a countywide search and rescue plan shall include, but is not limited to, changes made to the Search and Rescue Model Operating Plan by the ~~Office of Emergency Services~~ *California Emergency Management Agency*. This section shall not

1 be construed to vest any additional powers for search and rescue
2 upon sheriffs or any other public safety agency that provides search
3 and rescue.

4 SEC. 130. Section 51018 of the Government Code is amended
5 to read:

6 51018. (a) Every rupture, explosion, or fire involving a
7 pipeline, including a pipeline system otherwise exempted by
8 subdivision (a) of Section 51010.5, and including a pipeline
9 undergoing testing, shall be immediately reported by the pipeline
10 operator to the fire department having fire suppression
11 responsibilities and to the ~~Office of Emergency Services~~ *California*
12 *Emergency Management Agency*. In addition, the pipeline operator
13 shall, within 30 days of the rupture, explosion, or fire, file a report
14 with the State Fire Marshal containing all the information that the
15 State Fire Marshal may reasonably require to prepare the report
16 required pursuant to subdivision (d).

17 (b) (1) ~~The Office of Emergency Services~~ *California Emergency*
18 *Management Agency* shall immediately notify the State Fire
19 Marshal of the incident, who shall immediately dispatch his or her
20 employees to the scene. The State Fire Marshal or his or her
21 employees, upon arrival, shall provide technical expertise and
22 advise the operator and all public agencies on activities needed to
23 mitigate the hazard.

24 (2) For purposes of this subdivision, the Legislature does not
25 intend to hinder or disrupt the workings of the “incident
26 commander system,” but does intend to establish a recognized
27 element of expertise and direction for the incident command to
28 consult and acknowledge as an authority on the subject of pipeline
29 incident mitigation. Furthermore, it is expected that the State Fire
30 Marshal will recognize the expertise of the pipeline operator and
31 any other emergency agency personnel who may be familiar with
32 the particular location of the incident and respect their
33 knowledgeable input regarding the mitigation of the incident.

34 (c) For purposes of this section, “rupture” includes every
35 unintentional liquid leak, including any leak that occurs during
36 hydrostatic testing, except that a crude oil leak of less than five
37 barrels from a pipeline or flow line in a rural area, or any crude
38 oil or petroleum product leak in any in-plant piping system of less
39 than five barrels, when no fire, explosion, or bodily injury results
40 or no waterway is contaminated thereby, does not constitute a

1 rupture for purposes of the reporting requirements of subdivision
2 (a).

3 (d) The State Fire Marshal shall, every fifth year commencing
4 in 1999, issue a report identifying pipeline leak incident rate trends,
5 reviewing current regulatory effectiveness with regard to pipeline
6 safety, and recommending any necessary changes to the
7 Legislature. This report shall include an assessment of the condition
8 of each pipeline and shall include all of the following: total length
9 of regulated pipelines, total length of regulated piggable pipeline,
10 total number of line sections, average length of each section,
11 number of leaks during study period, average spill size, average
12 damage per incident, average age of leak pipe, average diameter
13 of leak pipe, injuries during study period, cause of the leak or spill,
14 fatalities during study period, and other information as deemed
15 appropriate by the State Fire Marshal.

16 (e) This section does not preempt any other applicable federal
17 or state reporting requirement.

18 (f) Except as otherwise provided in this section and Section
19 8589.7, a notification made pursuant to this section shall satisfy
20 any immediate notification requirement contained in any permit
21 issued by a permitting agency.

22 (g) This section does not apply to pipeline ruptures involving
23 nonreportable crude oil spills under Section 3233 of the Public
24 Resources Code, unless the spill involves a fire or explosion.

25 SEC. 131. Section 65302 of the Government Code is amended
26 to read:

27 65302. The general plan shall consist of a statement of
28 development policies and shall include a diagram or diagrams and
29 text setting forth objectives, principles, standards, and plan
30 proposals. The plan shall include the following elements:

31 (a) A land use element that designates the proposed general
32 distribution and general location and extent of the uses of the land
33 for housing, business, industry, open space, including agriculture,
34 natural resources, recreation, and enjoyment of scenic beauty,
35 education, public buildings and grounds, solid and liquid waste
36 disposal facilities, and other categories of public and private uses
37 of land. The location and designation of the extent of the uses of
38 the land for public and private uses shall consider the identification
39 of land and natural resources pursuant to paragraph (3) of
40 subdivision (d). The land use element shall include a statement of

1 the standards of population density and building intensity
2 recommended for the various districts and other territory covered
3 by the plan. The land use element shall identify and annually
4 review those areas covered by the plan that are subject to flooding
5 identified by flood plain mapping prepared by the Federal
6 Emergency Management Agency (FEMA) or the Department of
7 Water Resources. The land use element shall also do both of the
8 following:

9 (1) Designate in a land use category that provides for timber
10 production those parcels of real property zoned for timberland
11 production pursuant to the California Timberland Productivity Act
12 of 1982 (Chapter 6.7 (commencing with Section 51100) of Part 1
13 of Division 1 of Title 5).

14 (2) Consider the impact of new growth on military readiness
15 activities carried out on military bases, installations, and operating
16 and training areas, when proposing zoning ordinances or
17 designating land uses covered by the general plan for land, or other
18 territory adjacent to military facilities, or underlying designated
19 military aviation routes and airspace.

20 (A) In determining the impact of new growth on military
21 readiness activities, information provided by military facilities
22 shall be considered. Cities and counties shall address military
23 impacts based on information from the military and other sources.

24 (B) The following definitions govern this paragraph:

25 (i) “Military readiness activities” mean all of the following:

26 (I) Training, support, and operations that prepare the men and
27 women of the military for combat.

28 (II) Operation, maintenance, and security of any military
29 installation.

30 (III) Testing of military equipment, vehicles, weapons, and
31 sensors for proper operation or suitability for combat use.

32 (ii) “Military installation” means a base, camp, post, station,
33 yard, center, homeport facility for any ship, or other activity under
34 the jurisdiction of the United States Department of Defense as
35 defined in paragraph (1) of subsection (e) of Section 2687 of Title
36 10 of the United States Code.

37 (b) (1) A circulation element consisting of the general location
38 and extent of existing and proposed major thoroughfares,
39 transportation routes, terminals, any military airports and ports,

1 and other local public utilities and facilities, all correlated with the
2 land use element of the plan.

3 (2) (A) Commencing January 1, 2011, upon any substantive
4 revision of the circulation element, the legislative body shall
5 modify the circulation element to plan for a balanced, multimodal
6 transportation network that meets the needs of all users of streets,
7 roads, and highways for safe and convenient travel in a manner
8 that is suitable to the rural, suburban, or urban context of the
9 general plan.

10 (B) For purposes of this paragraph, “users of streets, roads, and
11 highways” means bicyclists, children, persons with disabilities,
12 motorists, movers of commercial goods, pedestrians, users of public
13 transportation, and seniors.

14 (c) A housing element as provided in Article 10.6 (commencing
15 with Section 65580).

16 (d) (1) A conservation element for the conservation,
17 development, and utilization of natural resources including water
18 and its hydraulic force, forests, soils, rivers and other waters,
19 harbors, fisheries, wildlife, minerals, and other natural resources.
20 The conservation element shall consider the effect of development
21 within the jurisdiction, as described in the land use element, on
22 natural resources located on public lands, including military
23 installations. That portion of the conservation element including
24 waters shall be developed in coordination with any countywide
25 water agency and with all district and city agencies, including
26 flood management, water conservation, or groundwater agencies
27 that have developed, served, controlled, managed, or conserved
28 water of any type for any purpose in the county or city for which
29 the plan is prepared. Coordination shall include the discussion and
30 evaluation of any water supply and demand information described
31 in Section 65352.5, if that information has been submitted by the
32 water agency to the city or county.

33 (2) The conservation element may also cover all of the
34 following:

35 (A) The reclamation of land and waters.

36 (B) Prevention and control of the pollution of streams and other
37 waters.

38 (C) Regulation of the use of land in stream channels and other
39 areas required for the accomplishment of the conservation plan.

1 (D) Prevention, control, and correction of the erosion of soils,
2 beaches, and shores.

3 (E) Protection of watersheds.

4 (F) The location, quantity and quality of the rock, sand and
5 gravel resources.

6 (3) Upon the next revision of the housing element on or after
7 January 1, 2009, the conservation element shall identify rivers,
8 creeks, streams, flood corridors, riparian habitats, and land that
9 may accommodate floodwater for purposes of groundwater
10 recharge and stormwater management.

11 (e) An open-space element as provided in Article 10.5
12 (commencing with Section 65560).

13 (f) (1) A noise element that shall identify and appraise noise
14 problems in the community. The noise element shall recognize the
15 guidelines established by the Office of Noise Control and shall
16 analyze and quantify, to the extent practicable, as determined by
17 the legislative body, current and projected noise levels for all of
18 the following sources:

19 (A) Highways and freeways.

20 (B) Primary arterials and major local streets.

21 (C) Passenger and freight on-line railroad operations and ground
22 rapid transit systems.

23 (D) Commercial, general aviation, heliport, helistop, and military
24 airport operations, aircraft overflights, jet engine test stands, and
25 all other ground facilities and maintenance functions related to
26 airport operation.

27 (E) Local industrial plants, including, but not limited to, railroad
28 classification yards.

29 (F) Other ground stationary noise sources, including, but not
30 limited to, military installations, identified by local agencies as
31 contributing to the community noise environment.

32 (2) Noise contours shall be shown for all of these sources and
33 stated in terms of community noise equivalent level (CNEL) or
34 day-night average level (L_{dn}). The noise contours shall be prepared
35 on the basis of noise monitoring or following generally accepted
36 noise modeling techniques for the various sources identified in
37 paragraphs (1) to (6), inclusive.

38 (3) The noise contours shall be used as a guide for establishing
39 a pattern of land uses in the land use element that minimizes the
40 exposure of community residents to excessive noise.

1 (4) The noise element shall include implementation measures
2 and possible solutions that address existing and foreseeable noise
3 problems, if any. The adopted noise element shall serve as a
4 guideline for compliance with the state's noise insulation standards.

5 (g) (1) A safety element for the protection of the community
6 from any unreasonable risks associated with the effects of
7 seismically induced surface rupture, ground shaking, ground
8 failure, tsunami, seiche, and dam failure; slope instability leading
9 to mudslides and landslides; subsidence, liquefaction, and other
10 seismic hazards identified pursuant to Chapter 7.8 (commencing
11 with Section 2690) of Division 2 of the Public Resources Code,
12 and other geologic hazards known to the legislative body; flooding;
13 and wildland and urban fires. The safety element shall include
14 mapping of known seismic and other geologic hazards. It shall
15 also address evacuation routes, military installations, peakload
16 water supply requirements, and minimum road widths and
17 clearances around structures, as those items relate to identified fire
18 and geologic hazards.

19 (2) The safety element, upon the next revision of the housing
20 element on or after January 1, 2009, shall also do the following:

21 (A) Identify information regarding flood hazards, including,
22 but not limited to, the following:

23 (i) Flood hazard zones. As used in this subdivision, "flood
24 hazard zone" means an area subject to flooding that is delineated
25 as either a special hazard area or an area of moderate or minimal
26 hazard on an official flood insurance rate map issued by the Federal
27 Emergency Management Agency. The identification of a flood
28 hazard zone does not imply that areas outside the flood hazard
29 zones or uses permitted within flood hazard zones will be free
30 from flooding or flood damage.

31 (ii) National Flood Insurance Program maps published by
32 FEMA.

33 (iii) Information about flood hazards that is available from the
34 United States Army Corps of Engineers.

35 (iv) Designated floodway maps that are available from the
36 Central Valley Flood Protection Board.

37 (v) Dam failure inundation maps prepared pursuant to Section
38 8589.5 that are available from the ~~Office of Emergency Services~~
39 *California Emergency Management Agency*.

1 (vi) Awareness Floodplain Mapping Program maps and 200-year
2 flood plain maps that are or may be available from, or accepted
3 by, the Department of Water Resources.

4 (vii) Maps of levee protection zones.

5 (viii) Areas subject to inundation in the event of the failure of
6 project or nonproject levees or floodwalls.

7 (ix) Historical data on flooding, including locally prepared maps
8 of areas that are subject to flooding, areas that are vulnerable to
9 flooding after wildfires, and sites that have been repeatedly
10 damaged by flooding.

11 (x) Existing and planned development in flood hazard zones,
12 including structures, roads, utilities, and essential public facilities.

13 (xi) Local, state, and federal agencies with responsibility for
14 flood protection, including special districts and local offices of
15 emergency services.

16 (B) Establish a set of comprehensive goals, policies, and
17 objectives based on the information identified pursuant to
18 subparagraph (A), for the protection of the community from the
19 unreasonable risks of flooding, including, but not limited to:

20 (i) Avoiding or minimizing the risks of flooding to new
21 development.

22 (ii) Evaluating whether new development should be located in
23 flood hazard zones, and identifying construction methods or other
24 methods to minimize damage if new development is located in
25 flood hazard zones.

26 (iii) Maintaining the structural and operational integrity of
27 essential public facilities during flooding.

28 (iv) Locating, when feasible, new essential public facilities
29 outside of flood hazard zones, including hospitals and health care
30 facilities, emergency shelters, fire stations, emergency command
31 centers, and emergency communications facilities or identifying
32 construction methods or other methods to minimize damage if
33 these facilities are located in flood hazard zones.

34 (v) Establishing cooperative working relationships among public
35 agencies with responsibility for flood protection.

36 (C) Establish a set of feasible implementation measures designed
37 to carry out the goals, policies, and objectives established pursuant
38 to subparagraph (B).

39 (3) After the initial revision of the safety element pursuant to
40 paragraph (2), upon each revision of the housing element, the

1 planning agency shall review and, if necessary, revise the safety
2 element to identify new information that was not available during
3 the previous revision of the safety element.

4 (4) Cities and counties that have flood plain management
5 ordinances that have been approved by FEMA that substantially
6 comply with this section, or have substantially equivalent
7 provisions to this subdivision in their general plans, may use that
8 information in the safety element to comply with this subdivision,
9 and shall summarize and incorporate by reference into the safety
10 element the other general plan provisions or the flood plain
11 ordinance, specifically showing how each requirement of this
12 subdivision has been met.

13 (5) Prior to the periodic review of its general plan and prior to
14 preparing or revising its safety element, each city and county shall
15 consult the California Geological Survey of the Department of
16 Conservation, the Central Valley Flood Protection Board, if the
17 city or county is located within the boundaries of the Sacramento
18 and San Joaquin Drainage District, as set forth in Section 8501 of
19 the Water Code, and the ~~Office of Emergency Services~~ *California*
20 *Emergency Management Agency* for the purpose of including
21 information known by and available to the department, the ~~office~~
22 *agency*, and the board required by this subdivision.

23 (6) To the extent that a county's safety element is sufficiently
24 detailed and contains appropriate policies and programs for
25 adoption by a city, a city may adopt that portion of the county's
26 safety element that pertains to the city's planning area in
27 satisfaction of the requirement imposed by this subdivision.

28 SEC. 132. Section 65302.6 of the Government Code is amended
29 to read:

30 65302.6. (a) A city, county, or a city and county may adopt
31 with its safety element pursuant to subdivision (g) of Section 65302
32 a local hazard mitigation plan (HMP) specified in the federal
33 Disaster Mitigation Act of 2000 (~~P.L.~~ *Public Law* 106-390). The
34 hazard mitigation plan shall include all of the following elements
35 called for in the federal act requirements:

36 (1) An initial earthquake performance evaluation of public
37 facilities that provide essential services, shelter, and critical
38 governmental functions.

1 (2) An inventory of private facilities that are potentially
2 hazardous, including, but not limited to, multiunit, soft story,
3 concrete tilt-up, and concrete frame buildings.

4 (3) A plan to reduce the potential risk from private and
5 governmental facilities in the event of a disaster.

6 (b) Local jurisdictions that have not adopted a local hazard
7 mitigation plan shall be given preference by the ~~Office of~~
8 ~~Emergency Services~~ *California Emergency Management Agency*
9 in recommending actions to be funded from the Pre-Disaster
10 Mitigation Program, the Hazard Mitigation Grant Program, and
11 the Flood Mitigation Assistance Program to assist the local
12 jurisdiction in developing and adopting a local hazard mitigation
13 plan, subject to available funding from the Federal Emergency
14 Management Agency.

15 SEC. 133. Section 66540.5 of the Government Code is amended
16 to read:

17 66540.5. The authority shall have the authority to plan, manage,
18 operate, and coordinate the emergency activities of all water
19 transportation and related facilities within the bay area region,
20 except those provided or owned by the Golden Gate Bridge,
21 Highway and Transportation District. During a state of war
22 emergency, a state of emergency, or a local emergency, as
23 described in Section 8558, the authority, in cooperation with the
24 ~~State Office of Emergency Services~~ *California Emergency*
25 *Management Agency*, the United States Coast Guard, the Federal
26 Emergency Management Agency, and the Metropolitan
27 Transportation Commission, shall coordinate the emergency
28 activities for all water transportation services in the bay area region
29 and, for such purposes, shall be known as the Bay Area Maritime
30 Emergency Transportation Coordinator.

31 SEC. 134. Section 66540.32 of the Government Code is
32 amended to read:

33 66540.32. (a) The authority shall create and adopt, on or before
34 July 1, 2009, an emergency water transportation system
35 management plan for water transportation services in the bay area
36 region in the event that bridges, highways, and other facilities are
37 rendered wholly or significantly inoperable.

38 (b) (1) The authority shall create and adopt, on or before July
39 1, 2009, a transition plan to facilitate the transfer of existing public
40 transportation ferry services within the bay area region to the

1 authority pursuant to this title. In the preparation of the transition
2 plan, priority shall be given to ensuring continuity in the programs,
3 services, and activities of existing public transportation ferry
4 services.

5 (2) The plan required by this subdivision shall include all of the
6 following:

7 (A) A description of existing ferry services in the bay area
8 region, as of January 1, 2008, that are to be transferred to the
9 authority pursuant to Section 66540.11 and a description of any
10 proposed changes to those services.

11 (B) A description of any proposed expansion of ferry services
12 in the bay area region.

13 (C) An inventory of the ferry and ferry-related capital assets or
14 leasehold interests, including, but not limited to, vessels, terminals,
15 maintenance facilities, and existing or planned parking facilities
16 or parking structures, and of the personnel, operating costs, and
17 revenues of public agencies operating public transportation ferries
18 and providing water transportation services as of January 1, 2008,
19 and those facilities that are to be transferred, in whole or in part,
20 to the authority pursuant to Section 66540.11.

21 (D) A description of those capital assets, leasehold interests,
22 and personnel identified in subparagraph (C) that the authority
23 proposes to be transferred pursuant to Section 66540.11.

24 (E) An operating plan that includes, at a minimum, an estimate
25 of the costs to continue the ferry services described in subparagraph
26 (A) for at least five years and a detailed description of current and
27 historically available revenues and proposed sources of revenue
28 to meet those anticipated costs. Further, the operating plan shall
29 identify options for closing any projected deficits or for addressing
30 increased cost inputs, such as fuel, for at least the five-year period.

31 (F) A description of the proposed services, duties, functions,
32 responsibilities, and liabilities of the authority and those of agencies
33 providing or proposed to provide water transportation services for
34 the authority.

35 (G) To the extent the plan may include the transfer of assets or
36 services from a local agency to the authority pursuant to Section
37 66540.11, that transfer shall be subject to negotiation and
38 agreement by the local agency. The authority and the local agency
39 shall negotiate and agree on fair terms, including just
40 compensation, prior to any transfer authorized by this title.

(H) An initial five-year Capital Improvement Program (CIP) detailing how the authority and its local agency partners plan to support financing and completion of capital improvement projects, including, but not limited to, those described in subparagraph (C), that are required to support the operation of transferred ferry services. Priority shall be given to emergency response projects and those capital improvement projects for which a Notice of Determination pursuant to the California Environmental Quality Act has been filed and which further the expansion, efficiency, or effectiveness of the ferry system.

(I) A description of how existing and expanded water transportation services will provide seamless connections to other transit providers in the bay area region, including, but not limited to, a description of how the authority will coordinate with all local agencies to ensure optimal public transportation services, including supplemental bus services that existed on January 1, 2008, that support access to the ferry system for the immediate and surrounding communities.

(J) The date on which the ferry services are to be transferred to the authority.

(3) To the extent the plan required by this subdivision includes proposed changes to water transportation services or related facilities historically provided by the City of Vallejo or the City of Alameda, the proposed changes shall be consistent with that city's general plan, its redevelopment plans, and its development and disposition agreements for projects related to the provision of water transportation services. Those projects include, but are not limited to, the construction of parking facilities and transit transfer facilities within close proximity of a ferry terminal or the relocation of a ferry terminal.

(c) In developing the plans described in subdivisions (a) and (b), the authority shall cooperate to the fullest extent possible with the Metropolitan Transportation Commission, the ~~State Office of Emergency Services~~ *California Emergency Management Agency*, the Association of Bay Area Governments, and the San Francisco Bay Conservation and Development Commission, and shall, to the fullest extent possible, coordinate its planning with local agencies, including those local agencies that operated, or contracted for the operation of, public water transportation services as of the effective date of this title. To avoid duplication of work, the

1 authority shall make maximum use of data and information
2 available from the planning programs of the Metropolitan
3 Transportation Commission, the ~~State Office of Emergency~~
4 ~~Services~~ *California Emergency Management Agency*, the
5 Association of Bay Area Governments, the San Francisco Bay
6 Conservation and Development Commission, the cities and
7 counties in the San Francisco Bay area, and other public and private
8 planning agencies. In addition, the authority shall consider both
9 of the following:

10 (1) The San Francisco Bay Area Water Transit Implementation
11 and Operations Plan adopted by the San Francisco Bay Area Water
12 Transit Authority on July 10, 2003.

13 (2) Any other plan concerning water transportation within the
14 bay area region developed or adopted by any general purpose local
15 government or special district that operates or sponsors water
16 transit, including, but not limited to, those water transportation
17 services provided under agreement with a private operator.

18 (d) The authority shall prepare a specific transition plan for any
19 transfer not anticipated by the transition plan required under
20 subdivision (b).

21 (e) Prior to adopting the plans required by this section, the
22 authority shall establish a process for taking public input on the
23 plans in consultation with existing operators of public ferry services
24 affected by the plans. The public input process shall include at
25 least one public hearing conducted at least 60 days prior to the
26 adoption of the plans in each city where an operational ferry facility
27 existed as of January 1, 2008.

28 SEC. 135. Section 1596.867 of the Health and Safety Code is
29 amended to read:

30 1596.867. (a) All child day care facilities, as defined in Section
31 1596.750, shall include an Earthquake Preparedness Checklist as
32 an attachment to the disaster plan prescribed by Section 1596.95
33 or 1597.54. However, the Earthquake Preparedness Checklist shall
34 not be considered a requirement for obtaining or maintaining a
35 license for a child day care center or family day care home. The
36 Earthquake Preparedness Checklist shall be made accessible to
37 the public at the child day care center, or family day care home.
38 The licensing agency shall not monitor or be responsible for
39 enforcing any provision contained in the Earthquake Preparedness

1 Checklist or ensuring that the checklist is made accessible to the
2 public.

3 (b) The Earthquake Preparedness Checklist shall not exceed
4 two typewritten pages and the department may add to or delete
5 from the list, as it deems appropriate. The checklist may include,
6 but not be limited to, all of the procedures that are listed in the
7 following proposed Earthquake Preparedness Checklist. A licensee
8 of a child day care center or family day care home shall have the
9 option of selecting from the checklist the procedures, if any, the
10 licensee chooses to use in the child day care center or family day
11 care home.

12
13 Earthquake Preparedness Checklist (EPC)*
14 _____
15

16 Eliminate potential hazards in classrooms and throughout the
17 site:

- 18 _____ Bolt bookcases in high traffic areas securely to wall studs
- 19 _____ Move heavy books and items from high to low shelves
- 20 _____ Secure and latch filing cabinets
- 21 _____ Secure cabinets in high traffic areas with child safety latches
- 22 _____ Secure aquariums, computers, typewriters, TV-VCR
- 23 equipment to surfaces, such as by using Velcro tabs
- 24 _____ Make provisions for securing rolling portable items such as
- 25 TV-VCRs, pianos, refrigerators
- 26 _____ Move children's activities and play areas away from
- 27 windows, or protect windows with blinds or adhesive
- 28 plastic sheeting
- 29 _____ Secure water heater to wall using plumber's tape
- 30 _____ Assess and determine possible escape routes

31
32 Establish a coordinated response plan involving all of the following:

33 Involving children:

- 34 _____ Teach children about earthquakes and what to do (see
- 35 resource list below)
- 36 _____ Practice "duck, cover, and hold" earthquake drills under
- 37 tables or desks no less than 4 times a year

38 Involving parents:

- 1 _____ Post, or make available to parents, copies of the school
- 2 earthquake safety plan (including procedures for
- 3 reuniting parents or alternate guardians with children,
- 4 location of planned evacuation site, method for leaving
- 5 messages and communicating)
- 6 _____ Enlist parent and community resource assistance in securing
- 7 emergency supplies or safeguarding the child day care
- 8 site:
- 9 _____ store a 3-day supply of nonperishable food (including
- 10 juice, canned food items, snacks, and infant
- 11 formula)
- 12 _____ store a 3-day supply of water and juice
- 13 _____ store food and water in an accessible location, such as
- 14 portable plastic storage containers
- 15 _____ store other emergency supplies such as flashlights, a
- 16 radio with extra batteries, heavy gloves, trash bags,
- 17 and tools
- 18 _____ maintain a complete, up-to-date listing of children,
- 19 emergency numbers, and contact people for each
- 20 classroom stored with emergency supplies

21 Involving child day care personnel and local emergency
22 agencies:

- 23 _____ Identify and assign individual responsibilities for staff
- 24 following an earthquake (including accounting for and
- 25 evacuating children, injury control, damage assessment)
- 26 _____ Involve and train all staff members about the earthquake
- 27 safety plan, including location and procedure for turning
- 28 off utilities and gas
- 29 _____ Contact nearby agencies (including police, fire, Red Cross,
- 30 and local government) for information and materials in
- 31 developing the child day care
- 32 center earthquake safety plan

33
34 *For more free resources contact:

- 35
- 36 (1) Federal Emergency Management Agency (FEMA)
- 37 (2) ~~Office of Emergency Services (OES)~~ *California Emergency Management*
- 38 *Agency (Cal EMA)*
- 39 (3) Red Cross
- 40

1 (c) Nothing in this section shall be construed to prevent the
2 adoption or enforcement of earthquake safety standards for child
3 day care facilities by local ordinance.

4 (d) Nothing in this section shall be construed to prevent the
5 department from adopting or enforcing regulations on earthquake
6 safety or making earthquake safety drills mandatory.

7 SEC. 136. Section 1797.132 of the Health and Safety Code is
8 amended to read:

9 1797.132. An Interdepartmental Committee on Emergency
10 Medical Services is hereby established. This committee shall advise
11 the authority on the coordination and integration of all state
12 activities concerning emergency medical services. The committee
13 shall include a representative from each of the following state
14 agencies and departments: ~~the Office of Emergency Services~~
15 *California Emergency Management Agency*, the Department of
16 the California Highway Patrol, the Department of Motor Vehicles,
17 a representative of the administrator of the California Traffic Safety
18 Program as provided by Chapter 5 (commencing with Section
19 2900) of Division 2 of the Vehicle Code, the Medical Board of
20 California, the State Department of Health Services, the Board of
21 Registered Nursing, the State Department of Education, the
22 National Guard, the Office of Statewide Health Planning and
23 Development, the State Fire Marshal, the California Conference
24 of Local Health Officers, the Department of Forestry and Fire
25 Protection, the Chancellor's Office of the California Community
26 Colleges, and the Department of General Services.

27 SEC. 137. Section 1797.150 of the Health and Safety Code is
28 amended to read:

29 1797.150. In cooperation with ~~the Office of Emergency~~
30 ~~Services~~ *California Emergency Management Agency*, the authority
31 shall respond to any medical disaster by mobilizing and
32 coordinating emergency medical services mutual aid resources to
33 mitigate health problems.

34 SEC. 138. Section 1797.151 of the Health and Safety Code is
35 amended to read:

36 1797.151. The authority shall coordinate, through local EMS
37 agencies, medical and hospital disaster preparedness with other
38 local, state, and federal agencies and departments having a
39 responsibility relating to disaster response, and shall assist the
40 ~~Office of Emergency Services~~ *California Emergency Management*

1 Agency in the preparation of the emergency medical services
2 component of the State Emergency Plan as defined in Section 8560
3 of the Government Code.

4 SEC. 139. Section 1797.152 of the Health and Safety Code is
5 amended to read:

6 1797.152. (a) The director, and the Director of Health Services
7 may jointly appoint a regional disaster medical and health
8 coordinator for each mutual aid region of the state. A regional
9 disaster medical and health coordinator shall be either a county
10 health officer, a county coordinator of emergency services, an
11 administrator of a local EMS agency, or a medical director of a
12 local EMS agency. Appointees shall be chosen from among persons
13 nominated by a majority vote of the local health officers in a mutual
14 aid region.

15 (b) In the event of a major disaster which results in a
16 proclamation of emergency by the Governor, and in the need to
17 deliver medical or public and environmental health mutual aid to
18 the area affected by the disaster, at the request of the authority, the
19 State Department of Health Services, or the ~~Office of Emergency~~
20 ~~Services~~ *California Emergency Management Agency*, a regional
21 disaster medical and health coordinator in a region unaffected by
22 the disaster may coordinate the acquisition of requested mutual
23 aid resources from the jurisdictions in the region.

24 (c) A regional disaster medical and health coordinator may
25 develop plans for the provision of medical or public health mutual
26 aid among the counties in the region.

27 (d) No person may be required to serve as a regional disaster
28 medical and health coordinator. No state compensation shall be
29 paid for a regional disaster medical and health coordinator position,
30 except as determined appropriate by the state, if funds become
31 available.

32 SEC. 140. Section 1797.153 of the Health and Safety Code is
33 amended to read:

34 1797.153. (a) In each operational area the county health officer
35 and the local EMS agency administrator may act jointly as the
36 medical health operational area coordinator (MHOAC). If the
37 county health officer and the local EMS agency administrator are
38 unable to fulfill the duties of the MHOAC they may jointly appoint
39 another individual to fulfill these responsibilities. If an operational
40 area has a MHOAC, the MHOAC in cooperation with the county

1 office of emergency services, local public health department, the
2 local office of environmental health, the local department of mental
3 health, the local EMS agency, the local fire department, the
4 regional disaster and medical health coordinator (RDMHC), and
5 the regional office of the ~~Office of Emergency Services (OES)~~
6 *California Emergency Management Agency*, shall be responsible
7 for ensuring the development of a medical and health disaster plan
8 for the operational area. The medical and disaster plans shall follow
9 the Standard Emergency Management System and National
10 Incident Management System. The MHOAC shall recommend to
11 the operational area coordinator of the Office of Emergency
12 Services a medical and health disaster plan for the provision of
13 medical and health mutual aid within the operational area.

14 (b) For purposes of this section, “operational area” has the same
15 meaning as that term is defined in subdivision (b) of Section 8559
16 of the Government Code.

17 (c) The medical and health disaster plan shall include
18 preparedness, response, recovery, and mitigation functions
19 consistent with the State Emergency Plan, as established under
20 Sections 8559 and 8560 of the Government Code, and, at a
21 minimum, the medical and health disaster plan, policy, and
22 procedures shall include all of the following:

- 23 (1) Assessment of immediate medical needs.
- 24 (2) Coordination of disaster medical and health resources.
- 25 (3) Coordination of patient distribution and medical evaluations.
- 26 (4) Coordination with inpatient and emergency care providers.
- 27 (5) Coordination of out-of-hospital medical care providers.
- 28 (6) Coordination and integration with fire agencies personnel,
29 resources, and emergency fire prehospital medical services.
- 30 (7) Coordination of providers of nonfire based prehospital
31 emergency medical services.
- 32 (8) Coordination of the establishment of temporary field
33 treatment sites.
- 34 (9) Health surveillance and epidemiological analyses of
35 community health status.
- 36 (10) Assurance of food safety.
- 37 (11) Management of exposure to hazardous agents.
- 38 (12) Provision or coordination of mental health services.
- 39 (13) Provision of medical and health public information
40 protective action recommendations.

1 (14) Provision or coordination of vector control services.

2 (15) Assurance of drinking water safety.

3 (16) Assurance of the safe management of liquid, solid, and
4 hazardous wastes.

5 (17) Investigation and control of communicable disease.

6 (d) In the event of a local, state, or federal declaration of
7 emergency, the MHOAC shall assist the ~~OES~~ *agency* operational
8 area coordinator in the coordination of medical and health disaster
9 resources within the operational area, and be the point of contact
10 in that operational area, for coordination with the RDMHC, the
11 ~~OES~~ *agency*, the regional office of the ~~OES~~ *agency*, the State
12 Department of Public Health, and the authority.

13 (e) Nothing in this section shall be construed to revoke or alter
14 the current authority for disaster management provided under either
15 of the following:

16 (1) The State Emergency Plan established pursuant to Section
17 8560 of the Government Code.

18 (2) The California standardized emergency management system
19 established pursuant to Section 8607 of the Government Code.

20 SEC. 141. Section 11998.1 of the Health and Safety Code is
21 amended to read:

22 11998.1. It is the intent of the Legislature that the following
23 long-term five-year goals be achieved:

24 (a) With regard to education and prevention of drug and alcohol
25 abuse programs, the following goals:

26 (1) Drug and alcohol abuse education has been included within
27 the mandatory curriculum in kindergarten and grades 1 to 12,
28 inclusive, in every public school in California.

29 (2) Basic training on how to recognize, and understand what to
30 do about, drug and alcohol abuse has been provided to
31 administrators and all teachers of kindergarten and grades 1 to 12,
32 inclusive.

33 (3) All school counselors and school nurses have received
34 comprehensive drug and alcohol abuse training.

35 (4) Each school district with kindergarten and grades 1 to 12,
36 inclusive, has appointed a drug and alcohol abuse advisory team
37 of school administrators, teachers, counselors, students, parents,
38 community representatives, and health care professionals, all of
39 whom have expertise in drug and alcohol abuse prevention. The

1 team coordinates with and receives consultation from the county
2 alcohol and drug program administrators.

3 (5) Every school board member has received basic drug and
4 alcohol abuse information.

5 (6) Each school district has a drug and alcohol abuse specialist
6 to assist the individual schools.

7 (7) Each school in grades 7 to 12, inclusive, has student peer
8 group drug and alcohol abuse programs.

9 (8) Every school district with kindergarten and grades 1 to 12,
10 inclusive, has updated written drug and alcohol abuse policies and
11 procedures including disciplinary procedures which will be given
12 to every school employee, every student, and every parent.

13 (9) The California State University and the University of
14 California have evaluated and, if feasible, established educational
15 programs and degrees in the area of drug and alcohol abuse.

16 (10) Every school district with kindergarten and grades 1 to 12,
17 inclusive, has an established parent teachers group with drug and
18 alcohol abuse prevention goals.

19 (11) Every school district has instituted a drug and alcohol abuse
20 education program for parents.

21 (12) Drug and alcohol abuse training has been imposed as a
22 condition for teacher credentialing and license renewal, and
23 knowledge on the issue is measured on the California Basic
24 Education Skills Test.

25 (13) Drug and alcohol abuse knowledge has been established
26 as a component on standardized competency tests as a requirement
27 for graduation.

28 (14) Every school district has established a parent support group.

29 (15) Every school district has instituted policies that address
30 the special needs of children who have been rehabilitated for drug
31 or alcohol abuse problems and who are reentering school. These
32 policies shall consider the loss of schooltime, the loss of academic
33 credits, and the sociological problems associated with drug and
34 alcohol abuse, its rehabilitation, and the educational delay it causes.

35 (16) The number of drug and alcohol abuse related incidents
36 on school grounds has decreased by 20 percent.

37 (b) With regard to community programs, the following goals:

38 (1) Every community-based social service organization that
39 receives state and local financial assistance has drug and alcohol
40 abuse information available for clients.

1 (2) All neighborhood watch, business watch, and community
2 conflict resolution programs have included drug and alcohol abuse
3 prevention efforts.

4 (3) All community-based programs that serve schoolaged
5 children have staff trained in drug and alcohol abuse and give a
6 clear, drug- and alcohol-free message.

7 (c) With regard to drug and alcohol abuse programs of the
8 media, the following goals:

9 (1) The state has established a comprehensive media campaign
10 that involves all facets of the drug and alcohol abuse problem,
11 including treatment, education, prevention, and intervention that
12 will result in increasing the public's knowledge and awareness of
13 the detrimental effects of alcohol and drug use, reducing the use
14 of alcohol and drugs, and increasing healthy lifestyle choices.

15 (2) The department on a statewide basis, and the county board
16 of supervisors or its designees at the local level, have:

17 (A) Assisted the entertainment industry in identifying ways to
18 use the entertainment industry effectively to encourage lifestyles
19 free of substance abuse.

20 (B) Assisted the manufacturers of drug and alcohol products in
21 identifying ways to use product advertising effectively to
22 discourage substance abuse.

23 (C) Assisted television stations in identifying ways to use
24 television programming effectively to encourage lifestyles free of
25 substance abuse.

26 (3) A statewide cooperative fundraising program with recording
27 artists and the entertainment industry has been encouraged to fund
28 drug and alcohol abuse prevention efforts in the state.

29 (d) With regard to drug and alcohol abuse health care programs,
30 the following goals:

31 (1) The number of drug and alcohol abuse-related medical
32 emergencies has decreased by 4 percent per year.

33 (2) All general acute care hospitals and AIDS medical service
34 providers have provided information to their patients on drug and
35 alcohol abuse.

36 (3) The Medical Board of California, the Psychology Examining
37 Committee, the Board of Registered Nursing, and the Board of
38 Behavioral Science Examiners have developed and implemented
39 the guidelines or regulations requiring drug and alcohol abuse

1 training for their licensees, and have developed methods of
2 providing training for those professionals.

3 (e) With regard to private sector drug and alcohol abuse
4 programs, the following goals:

5 (1) A significant percentage of businesses in the private sector
6 have developed personnel policies that discourage drug and alcohol
7 abuse and encourage supervision, training, and employee education.

8 (2) Noteworthy and publicly recognized figures and private
9 industry have been encouraged to sponsor fundraising events for
10 drug and alcohol abuse prevention.

11 (3) Every public or private athletic team has been encouraged
12 to establish policies forbidding drug and alcohol abuse.

13 (4) The private sector has established personnel policies that
14 discourage drug and alcohol abuse but encourage treatment for
15 those employees who require this assistance.

16 (f) With regard to local government drug and alcohol abuse
17 programs, the following goals:

18 (1) Every county has a five-year master plan to eliminate drug
19 and alcohol abuse developed jointly by the county-designated
20 alcohol and drug program administrators, reviewed jointly by the
21 advisory boards set forth in paragraph (2), and approved by the
22 board of supervisors. For those counties in which the alcohol and
23 drug programs are jointly administered, the administrator shall
24 develop the five-year master plan. To the degree possible, all
25 existing local plans relating to drug or alcohol abuse shall be
26 incorporated into the master plan.

27 (2) Every county has an advisory board on alcohol problems
28 and an advisory board on drug programs. The membership of these
29 advisory boards is representative of the county's population and
30 is geographically balanced. To the maximum extent possible the
31 county advisory board on alcohol problems and the county advisory
32 board on drug programs will have representatives of the following:

33 (A) Law enforcement.

34 (B) Education.

35 (C) The treatment and recovery community, including a
36 representative with expertise in AIDS treatment services.

37 (D) Judiciary.

38 (E) Students.

39 (F) Parents.

40 (G) Private industry.

1 (H) Other community organizations involved in drug and alcohol
2 services.

3 (I) A representative of organized labor responsible for the
4 provision of Employee Assistance Program services.

5 If any of these areas is not represented on the advisory bodies,
6 the administrator designated in paragraph (1) shall solicit input
7 from a representative of the nonrepresented area prior to the
8 development of a master plan pursuant to paragraph (1).

9 (3) Every county public social service agency has established
10 policies that discourage drug and alcohol abuse and encourage
11 treatment and recovery services when necessary.

12 (4) Every local unit of government has an employee assistance
13 program that addresses drug and alcohol abuse problems.

14 (5) Every local unit of government has considered the potential
15 for drug and alcohol abuse problems when developing zoning
16 ordinances and issuing conditional use permits.

17 (6) Every county master plan includes treatment and recovery
18 services.

19 (6.5) Every county master plan includes specialized provisions
20 to ensure optimum alcohol and drug abuse service delivery for
21 handicapped and disabled persons.

22 (7) Every local unit of government has been encouraged to
23 establish an employee assistance program that includes the
24 treatment of drug and alcohol abuse-related programs.

25 (8) Every local governmental social service provider has
26 established a referral system under which clients with drug and
27 alcohol abuse problems can be referred for treatment.

28 (9) Every county drug and alcohol abuse treatment or recovery
29 program that serves women gives priority for services to pregnant
30 women.

31 (10) Every alcohol and drug abuse program provides acquired
32 immune deficiency syndrome (AIDS) information to all program
33 participants.

34 (g) With regard to state and federal government drug and alcohol
35 abuse programs, the following goals:

36 (1) The Department of Alcoholic Beverage Control has informed
37 all alcohol retailers of the laws governing liquor sales and has
38 provided training available to all personnel selling alcoholic
39 beverages, on identifying and handling minors attempting to
40 purchase alcohol.

1 (2) ~~The Office of Emergency Services~~ *California Emergency*
2 *Management Agency* has required all applicants for crime
3 prevention and juvenile justice and delinquency prevention funds
4 to include drug and alcohol abuse prevention efforts in their
5 programs.

6 (3) All county applications for direct or indirect drug and alcohol
7 services funding from the department include a prevention
8 component.

9 (4) The Superintendent of Public Instruction has employed drug
10 and alcohol abuse school prevention specialists and assisted school
11 districts with the implementation of prevention programs.

12 (5) The State Department of Mental Health has staff trained in
13 drug and alcohol abuse prevention who can assist local mental
14 health programs with prevention efforts.

15 (6) The Department of the California Highway Patrol, as
16 permitted by the United States Constitution, has established routine
17 statewide sobriety checkpoints for driving while under the
18 influence.

19 (7) The Department of Corrections and the Department of the
20 Youth Authority have provided drug and alcohol abuse education
21 and prevention services for all inmates, wards, and parolees. Both
22 departments have provided drug and alcohol abuse treatment
23 services for any inmate, ward, or parolee determined to be in need
24 of these services, or who personally requests these services.

25 (8) The Department of Motor Vehicles has distributed prevention
26 materials with each driver's license or certificate of renewal and
27 each vehicle registration renewal mailed by the Department of
28 Motor Vehicles.

29 (9) Federal prevention programs have been encouraged to follow
30 the master plan.

31 (10) State licensing and program regulations for drug and
32 alcohol abuse treatment programs have been consolidated and
33 administered by one state agency.

34 (11) State treatment funding priorities have been included to
35 specially recognize the multiple diagnosed client who would be
36 eligible for services from more than one state agency.

37 (12) Every state agency has formalized employee assistance
38 programs that include the treatment of drug and alcohol
39 abuse-related problems.

1 (13) The state master plan includes specialized provisions to
2 ensure optimum drug and alcohol abuse service delivery for
3 handicapped and disabled persons.

4 (h) With regard to private sector direct service providers, the
5 following goals:

6 (1) Drinking drivers programs have provided clear
7 measurements of successful completion of the program to the
8 courts for each court-ordered client.

9 (2) Sufficient drug and alcohol treatment and recovery services
10 exist throughout the state to meet all clients' immediate and
11 long-range needs.

12 (3) Each county to the extent possible provides localized alcohol
13 and drug treatment and recovery services designed for individuals
14 seeking assistance for polydrug abuse.

15 (4) Adequate nonresidential and residential services are available
16 statewide for juveniles in need of alcohol or drug abuse services.

17 (5) Each provider of alcohol or drug services has been certified
18 by the state.

19 (6) Drug and alcohol abuse treatment providers provide general
20 acquired immune deficiency syndrome (AIDS) information during
21 treatment.

22 (i) With regard to supply regulation and reduction in conjunction
23 with drug and alcohol abuse, the following goals:

24 (1) The California National Guard supports federal, state, and
25 local drug enforcement agencies in counternarcotic operations as
26 permitted by applicable laws and regulations.

27 (2) Each county has a drug and alcohol abuse enforcement team,
28 designated by the board of supervisors. This team includes all
29 components of the criminal justice system. This team shall be
30 responsible to the board of supervisors, shall coordinate with the
31 drug and alcohol abuse advisory board and the county on all
32 criminal justice matters relating to drug and alcohol abuse, and
33 shall coordinate, and actively participate, with the county alcohol
34 and drug program administrators throughout the development and
35 implementation of the five-year master plan.

36 (3) ~~The Office of Emergency Services~~ *California Emergency*
37 *Management Agency*, the Youth and Adult Correctional Agency,
38 the Department of the California Highway Patrol, the Office of
39 Traffic Safety, and the Department of Justice have established a
40 state level drug and alcohol abuse enforcement team that includes

1 representatives from all facets of criminal justice. The lead agency
2 for the enforcement team has been designated by the Governor.
3 This team advises the state and assists the local teams.

4 (4) ~~The Office of Emergency Services~~ *California Emergency*
5 *Management Agency*, the Youth and Adult Correctional Agency,
6 and the Department of Justice have, as a priority when determining
7 training subjects, prevention seminars on drug and alcohol abuse.
8 The Commission on Peace Officer Standards and Training has, as
9 a priority when determining training subjects, drug and alcohol
10 enforcement.

11 (5) The Department of the California Highway Patrol, as
12 permitted by the United States Constitution, will in conjunction
13 with establishing sobriety checkpoints statewide, assist local law
14 enforcement agencies with the establishment of local programs.

15 (6) Counties with more than 10 superior court judgeships have
16 established programs under which drug cases receive swift
17 prosecution by well-trained prosecutors before judges who are
18 experienced in the handling of drug cases.

19 (7) The courts, when determining bail eligibility and the amount
20 of bail for persons suspected of a crime involving a controlled
21 substance, shall consider the quantity of the substance involved
22 when measuring the danger to society if the suspect is released.

23 (8) Drunk driving jails have been established that provide
24 offender education and treatment during incarceration.

25 (9) All probation and parole officers have received drug and
26 alcohol abuse training, including particular training on drug
27 recognition.

28 (10) All parolees and persons on probation with a criminal
29 history that involves drug or alcohol abuse have conditions of
30 parole or probation that prohibit drug and alcohol abuse.

31 (11) The Judicial Council has provided training on drug and
32 alcohol abuse for the judges.

33 (12) The courts, when sentencing offenders convicted of selling
34 drugs, consider “street value” of the drugs involved in the
35 underlying crime.

36 (13) Judges have been encouraged to include drug and alcohol
37 abuse treatment and prevention services in sentences for all
38 offenders. Judges are requiring, as a condition of sentencing, drug
39 and alcohol abuse education and treatment services for all persons
40 convicted of driving under the influence of alcohol or drugs.

1 (14) Juvenile halls and jails provide clients with information on
2 drug and alcohol abuse.

3 (15) The estimated number of clandestine labs operating in
4 California has decreased by 10 percent per year.

5 (16) Each local law enforcement agency has developed, with
6 the schools, protocol on responding to school drug and alcohol
7 abuse problems.

8 (17) Every county has instituted a mandatory driving while
9 under the influence presentence offender evaluation program.

10 SEC. 142. Section 13071 of the Health and Safety Code is
11 amended to read:

12 13071. ~~The Office of Emergency Services~~ *California*
13 *Emergency Management Agency* shall establish and administer a
14 program, which shall be denominated the FIREScope Program
15 (Firefighting RESources of California Organized for Potential
16 Emergencies), to maintain and enhance the efficiency and
17 effectiveness of managing multiagency firefighting resources in
18 responding to an incident. The program shall be based on the
19 concepts and components developed or under development by the
20 Firescope project chartered by the United States Congress in 1972.
21 The program shall provide for the research, development, and
22 implementation of technologies, facilities, and procedures to assist
23 state and local fire agencies in the better utilization and
24 coordination of firefighting resources in responding to incidents.

25 SEC. 143. Section 13073 of the Health and Safety Code is
26 amended to read:

27 13073. ~~The Office of Emergency Services~~ *California*
28 *Emergency Management Agency* shall carry out this chapter in
29 cooperation with the Department of Forestry and Fire Protection,
30 including the Office of the State Fire Marshal, and with the advice
31 of the Fire and Rescue Service Advisory Committee/FIREScope
32 Board of Directors within the ~~Office of Emergency Services~~
33 *California Emergency Management Agency*. ~~The Fire and Rescue~~
34 ~~Service Advisory Committee/FIREScope Board of Directors~~
35 ~~shall submit periodic reports to the Joint Committee on Fire, Police,~~
36 ~~Emergency and Disaster Services of the Legislature on the status~~
37 ~~of the FIREScope Program.~~

38 SEC. 144. Section 13140.5 of the Health and Safety Code is
39 amended to read:

1 13140.5. The board shall be composed of the following voting
2 members: the State Fire Marshal, the Chief Deputy Director of the
3 Department of Forestry and Fire Protection who is not the State
4 Fire Marshal, the ~~Director of the Office of Emergency Services~~
5 *Secretary of Emergency Management*, the Chairperson of the
6 California Fire Fighter Joint Apprenticeship Program, one
7 representative of the insurance industry, one volunteer firefighter,
8 three fire chiefs, five fire service labor representatives, one
9 representative from city government, one representative from a
10 fire district, and one representative from county government.

11 The following members shall be appointed by the Governor:
12 one representative of the insurance industry, one volunteer
13 firefighter, three fire chiefs, five fire service labor representatives,
14 one representative from city government, one representative from
15 a fire district, and one representative from county government.
16 Each member appointed shall be a resident of this state. The
17 volunteer firefighter shall be selected from a list of names
18 submitted by the California State Firefighters Association. One
19 fire chief shall be selected from a list of names submitted by the
20 California Fire Chiefs' Association; one fire chief shall be selected
21 from a list of names submitted by the Fire Districts Association
22 of California; and one fire chief shall be selected from a list of
23 names submitted by the California Metropolitan Fire Chiefs. One
24 fire service labor representative shall be selected from a list of
25 names submitted by the California Labor Federation; one fire
26 service labor representative shall be selected from a list of names
27 submitted by the California Professional Firefighters; one fire
28 service labor representative shall be selected from a list of names
29 submitted by the International Association of Fire Fighters; one
30 fire service labor representative shall be selected from a list of
31 names submitted by the California Department of Forestry
32 Firefighters; and one fire service labor representative shall be
33 selected from a list of names submitted by the California State
34 Firefighters Association. The city government representative shall
35 be selected from elected or appointed city chief administrative
36 officers or elected city mayors or council members. The fire district
37 representative shall be selected from elected or appointed directors
38 of fire districts. The county government representative shall be
39 selected from elected or appointed county chief administrative
40 officers or elected county supervisors. The appointed members

1 shall be appointed for a term of four years. Any member chosen
2 by the Governor to fill a vacancy created other than by expiration
3 of a term shall be appointed for the unexpired term of the member
4 he or she is to succeed.

5 SEC. 145. Section 13143.9 of the Health and Safety Code is
6 amended to read:

7 13143.9. (a) The State Fire Marshal shall, in carrying out
8 Section 13143, prepare, adopt, and submit building standards and
9 other fire and life safety regulations for approval pursuant to
10 Chapter 4 (commencing with Section 18935) of Part 2.5 of Division
11 13 establishing minimum requirements for the storage, handling,
12 and use of hazardous materials, as defined, in Article 9 of the 1988
13 Uniform Fire Code, and any subsequent editions, published by the
14 Western Fire Chiefs Association and the International Conference
15 of Building Officials. The State Fire Marshal shall seek the advice
16 of the ~~Office of Emergency Services~~ *California Emergency*
17 *Management Agency* in establishing these requirements. This
18 section does not prohibit a city, county, or district from adopting
19 an ordinance, resolution, or regulation imposing stricter or more
20 stringent requirements than a standard adopted pursuant to this
21 section.

22 (b) A business which files the annual inventory form in
23 compliance with Chapter 6.95 (commencing with Section 25500)
24 of Division 20, including the addendum adopted pursuant to
25 Section 25503.9, shall be deemed to have met the requirements of
26 subdivision (c) of Section 80.103 of the Uniform Fire Code, as
27 adopted by the State Fire Marshal pursuant to this section.

28 (c) A business which is not required to file a hazardous materials
29 inventory form pursuant to Section 25509 but which is required
30 by the local fire chief to comply with subdivision (c) of Section
31 80.103 of the Uniform Fire Code, as adopted by the State Fire
32 Marshal pursuant to this section, shall, notwithstanding Chapter
33 6.95 (commencing with Section 25500) of Division 20, file the
34 inventory form adopted pursuant to Section 25503.3 and the
35 addendum adopted pursuant to Section 25503.9 with the local fire
36 chief for purposes of complying with this requirement, if
37 determined to be necessary by the fire chief.

38 SEC. 146. Section 18603 of the Health and Safety Code is
39 amended to read:

1 18603. (a) In every park there shall be a person available by
2 telephonic or like means, including telephones, cellular phones,
3 telephone answering machines, answering services or pagers, or
4 in person who shall be responsible for, and who shall reasonably
5 respond in a timely manner to emergencies concerning, the
6 operation and maintenance of the park. In every park with 50 or
7 more units, that person or his or her designee shall reside in the
8 park, have knowledge of emergency procedures relative to utility
9 systems and common facilities under the ownership and control
10 of the owner of the park, and shall be familiar with the emergency
11 preparedness plans for the park.

12 (b) (1) On or before September 1, 2010, an owner or operator
13 of an existing park shall adopt an emergency preparedness plan.

14 (2) For a park constructed after September 1, 2010, an owner
15 or operator of a park shall adopt a plan in accordance with this
16 section prior to the issuance of the permit to operate.

17 (3) An owner or operator may comply with paragraph (1) by
18 either of the following methods:

19 (A) Adopting the emergency procedures and plans approved
20 by the Standardized Emergency Management System Advisory
21 Board on November 21, 1997, entitled "Emergency Plans for
22 Mobilehome Parks," and compiled by the ~~former Office of~~
23 ~~Emergency Services~~ *California Emergency Management Agency*
24 in compliance with the Governor's Executive Order W-156-97,
25 or any subsequent version.

26 (B) Adopting a plan that is developed by the park management
27 and is comparable to the procedures and plans specified in
28 subparagraph (A).

29 (c) For an existing park, and in the case of a park constructed
30 after September 10, 2010, prior to the issuance of the permit to
31 operate, an owner or operator of a park shall do both of the
32 following:

33 (1) Post notice of the emergency preparedness plan in the park
34 clubhouse or in another conspicuous area within the mobilehome
35 park.

36 (2) On or before September 10, 2010, provide notice of how to
37 access the plan and information on individual emergency
38 preparedness information from the appropriate state or local
39 agencies, including, but not limited to, the California Emergency
40 Management Agency, to all existing residents and, upon approval

1 of tenancy, for all new residents thereafter. This may be
2 accomplished in a manner that includes, but is not limited to,
3 distribution of materials and posting notice of the plan or
4 information on how to access the plan via the Internet.

5 (d) An enforcement agency shall determine whether park
6 management is in compliance with this section. The agency may
7 ascertain compliance by receipt of a copy of the plan, during site
8 inspections conducted in response to complaints of alleged
9 violations, or for any other reason.

10 (e) Notwithstanding any other provision of this part, a violation
11 of this section shall constitute an unreasonable risk to life, health,
12 or safety and shall be corrected by park management within 60
13 days of notice of the violation.

14 SEC. 147. Section 25169.7 of the Health and Safety Code is
15 amended to read:

16 25169.7. Except as specified otherwise in subdivision (b), on
17 and after July 1, 2003, all of the following requirements, including
18 any regulations adopted by the department pursuant to Section
19 25169.8, shall apply to any person handling any hazardous waste
20 of concern:

21 (a) (1) If a hazardous waste transporter or the owner or operator
22 of a hazardous waste facility discovers that a hazardous waste of
23 concern is missing during transportation or storage, and the amount
24 of waste missing equals or exceeds the reportable quantity specified
25 in the regulations adopted pursuant to Section 25169.6, the
26 hazardous waste transporter or the owner or operator shall
27 immediately, as specified in the regulations adopted by the
28 department, provide a verbal notification to the department and
29 report the discrepancy to the department in writing by letter within
30 five days after the discovery. The transporter or the owner or
31 operator shall also comply with the applicable manifest discrepancy
32 reporting requirements specified in the regulations adopted by the
33 department pursuant to this chapter.

34 (2) Within 24 hours after receiving a notification of a missing
35 hazardous waste of concern pursuant to paragraph (1), the
36 department shall make a preliminary determination whether there
37 is a potential risk to public safety. If, after making that preliminary
38 determination, or at any time thereafter, the department determines
39 the missing hazardous waste of concern presents a significant
40 potential risk to public safety from its use in a terrorist or other

1 criminal act, the department shall notify the ~~Office of Emergency~~
2 ~~Services~~ *California Emergency Management Agency* and the
3 Department of the California Highway Patrol.

4 (3) The Department of the California Highway Patrol may enter
5 and inspect any hazardous waste facility at the department's request
6 to perform an investigation of any hazardous waste that the
7 department determines may be missing.

8 (b) (1) Notwithstanding Section 25200.4, any person applying
9 for a hazardous waste facilities permit or other grant of
10 authorization to use and operate a hazardous waste facility that
11 would handle hazardous waste of concern shall submit to the
12 department a disclosure statement containing the information
13 specified in Section 25112.5.

14 (2) On or before January 1, 2004, and at any time upon the
15 request of the department, any person owning or operating a
16 hazardous waste facility that handles any hazardous waste of
17 concern shall submit to the department a disclosure statement
18 containing the information specified in Section 25112.5.

19 (3) (A) Except as provided in subparagraph (B), on and after
20 January 1, 2004, any person applying for registration as a hazardous
21 waste transporter who will transport hazardous waste of concern
22 shall submit to the department a disclosure statement containing
23 the information specified in Section 25112.5.

24 (B) Subparagraph (A) does not apply to a transporter who has
25 submitted a disclosure statement to the department within the
26 two-year period immediately preceding the application for
27 registration, unless there has been a change in the information
28 required to be contained in the disclosure statement or the
29 department requests the transporter to submit a disclosure
30 statement.

31 (4) At any time upon the request of the department, any
32 registered hazardous waste transporter who transports any
33 hazardous waste of concern shall submit to the department a
34 disclosure statement containing the information specified in Section
35 25112.5.

36 (5) Whenever any change pertaining to the information required
37 to be contained in a disclosure statement filed pursuant to
38 paragraphs (1) to (4), inclusive, occurs after the date of the filing
39 of the disclosure statement, the transporter or the facility owner

1 or operator shall provide the updated information in writing to the
2 department within 30 days of the change.

3 (6) On or before 180 days after receiving a disclosure statement
4 pursuant to this subdivision, the department shall conduct a
5 background check, as defined in subdivision (a) of Section 25169.5.

6 (7) This subdivision does not apply to any federal, state, or local
7 agency or any person operating pursuant to a permit-by-rule,
8 conditional authorization, or conditional exemption.

9 SEC. 148. Section 25197.2 of the Health and Safety Code is
10 amended to read:

11 25197.2. (a) The department shall establish a statewide
12 Hazardous Waste Strike Force which shall consist of a
13 representative from each of the following agencies:

14 (1) The Department of Transportation.

15 (2) The Department of Industrial Relations.

16 (3) The Department of Food and Agriculture.

17 (4) The State Water Resources Control Board.

18 (5) The State Air Resources Board.

19 (6) The Department of the California Highway Patrol.

20 (7) The Office of the State Fire Marshal in the Department of
21 Forestry and Fire Protection.

22 (8) The California Integrated Waste Management Board.

23 (9) The Department of Fish and Game.

24 (10) ~~The Office of Emergency Services~~ *California Emergency*
25 *Management Agency*.

26 (11) The Department of Toxic Substances Control.

27 (12) The Attorney General.

28 (13) The Department of Pesticide Regulation.

29 (b) The director, or the director's designee, shall direct and
30 coordinate the activities of the Hazardous Waste Strike Force.

31 (c) The Hazardous Waste Strike Force shall do all of the
32 following:

33 (1) Recommend standardized programs among the agencies
34 represented on the Hazardous Waste Strike Force for the purposes
35 of uniformly enforcing state hazardous waste statutes and
36 regulations and reporting violators of these statutes and regulations.

37 (2) Recommend programs to publicize and improve the
38 statewide telephone number established pursuant to paragraph (5)
39 of subdivision (b) of Section 25197.1.

1 (3) Recommend local and regional programs to report
2 information concerning violations of this chapter and any other
3 hazardous waste statutes and regulations.

4 SEC. 149. Section 25210.6 of the Health and Safety Code is
5 amended to read:

6 25210.6. (a) On or before December 31, 2005, the department
7 shall adopt regulations specifying the best management practices
8 for a person managing perchlorate materials. These practices may
9 include, but are not limited to, all of the following:

10 (1) Procedures for documenting the amount of perchlorate
11 materials managed by the facility.

12 (2) Management practices necessary to prevent releases of
13 perchlorate materials, including, but not limited to, containment
14 standards, usage, processing and transferring practices, and spill
15 response procedures.

16 (b) (1) The department shall consult with the State Air
17 Resources Board, the Office of Environmental Health Hazard
18 Assessment, the State Water Resources Control Board, the ~~Office~~
19 ~~of Emergency Services~~ *California Emergency Management*
20 *Agency*, the State Fire Marshal, and the California certified unified
21 program agencies forum before adopting regulations pursuant to
22 subdivision (a).

23 (2) The department shall also, before adopting regulations
24 pursuant to subdivision (a), review existing federal, state, and local
25 laws governing the management of perchlorate materials to
26 determine the degree to which uniform and adequate requirements
27 already exist, so as to avoid any unnecessary duplication of, or
28 interference with the application of, those existing requirements.

29 (3) In adopting regulations pursuant to subdivision (a), the
30 department shall ensure that those regulations are at least as
31 stringent as, and to the extent practical consistent with, the existing
32 requirements of Chapter 6.95 (commencing with Section 25500)
33 and the Uniform Fire Code governing the management of
34 perchlorate materials.

35 (c) The regulations adopted by the department pursuant to this
36 section shall be adopted as emergency regulations in accordance
37 with Chapter 3.5 (commencing with Section 11340) of Part 1 of
38 Division 3 of Title 2 of the Government Code, and for the purposes
39 of that chapter, including Section 11349.6 of the Government
40 Code, the adoption of these regulations is an emergency and shall

1 be considered by the Office of Administrative Law as necessary
2 for the immediate preservation of the public peace, health and
3 safety, and general welfare. Notwithstanding Chapter 3.5
4 (commencing with Section 11340) of Part 1 of Division 3 of Title
5 2 of the Government Code, including subdivision (e) of Section
6 11346.1 of the Government Code, any emergency regulations
7 adopted pursuant to this section shall be filed with, but not be
8 repealed by, the Office of Administrative Law and shall remain
9 in effect until revised by the department.

10 (d) The department may implement an outreach effort to educate
11 persons who manage perchlorate materials concerning the
12 regulations promulgated pursuant to subdivision (a).

13 SEC. 150. Section 25270.8 of the Health and Safety Code is
14 amended to read:

15 25270.8. Each owner or operator of a tank facility shall
16 immediately, upon discovery, notify the ~~Office of Emergency~~
17 ~~Services~~ *California Emergency Management Agency* and the UPA
18 using the appropriate 24-hour emergency number or the 911
19 number, as established by the UPA, or by the governing body of
20 the UPA, of the occurrence of a spill or other release of one barrel
21 (42 gallons) or more of petroleum that is required to be reported
22 pursuant to subdivision (a) of Section 13272 of the Water Code.

23 SEC. 151. Section 25299.1 of the Health and Safety Code is
24 amended to read:

25 25299.1. (a) Any city or county which prior to January 1, 1984,
26 adopted an ordinance which, at a minimum met the requirements
27 set forth in Sections 25284 and 25284.1, as they read on January
28 1, 1984, prior to being amended and renumbered, providing for
29 double containment, and monitoring of underground storage tanks
30 which was exempt from this chapter as of December 31, 1989, is
31 not exempt from implementing this chapter and shall implement
32 this chapter on or before January 1, 1991.

33 (b) Until a city or county specified in subdivision (a) implements
34 this chapter, the city or the county shall, at a minimum, do all of
35 the following:

36 (1) Submit to the board the application form and annual
37 information specified by Section 25286 and submit a written report
38 of any unauthorized release from an underground storage tank to
39 the ~~Office of Emergency Services~~ *California Emergency*

1 *Management Agency* within 10 working days from the time the
2 local agency is notified of the unauthorized release.

3 (2) Collect and transmit to the board the surcharge specified in
4 subdivision (b) of Section 25287.

5 (3) Issue permits for the operation of an underground storage
6 tank, which, at a minimum, ensure compliance with any applicable
7 requirement of the federal act and any applicable regulation adopted
8 by the board pursuant to Section 25299.3 which the board
9 determines is necessary to assure consistency with the federal act.

10 (c) A permit issued on or after January 1, 1991, by a city or
11 county specified in subdivision (a) shall require compliance with
12 all applicable requirements of this chapter and with the regulations
13 adopted by the board pursuant to Section 25299.3.

14 (d) This chapter does not limit or abridge the authority of any
15 city or county to adopt an ordinance requiring information,
16 conducting investigations, inspections, or implementing and
17 enforcing this chapter.

18 SEC. 152. Section 25359.4 of the Health and Safety Code is
19 amended to read:

20 25359.4. (a) A person shall not release, or allow or cause a
21 release of, a reportable quantity of a hazardous substance into the
22 environment that is not authorized or permitted pursuant to state
23 law.

24 (b) Any release of a reportable quantity of hazardous substance
25 shall be reported to the department in writing within 30 days of
26 discovery, unless any of the following apply:

27 (1) The release is permitted or in the permit process.

28 (2) The release is authorized by state law.

29 (3) The release requires immediate reporting to the ~~Office of~~
30 ~~Emergency Services~~ *California Emergency Management Agency*
31 pursuant to Section 11002 or 11004 of Title 42 of the United States
32 Code, or pursuant to Section 25507.

33 (4) The release has previously been reported to the department
34 or the ~~Office of Emergency Services~~ *California Emergency*
35 *Management Agency*.

36 (5) The release occurred prior to January 1, 1994.

37 (c) For the purposes of this section, “reportable quantity” means
38 either of the following:

39 (1) The quantity of a hazardous substance established in Part
40 302 (commencing with Section 302.1) of Title 40 of the Code of

1 Federal Regulations, the release of which requires notification
2 pursuant to that part.

3 (2) Any quantity of a hazardous substance that is not reportable
4 pursuant to paragraph (1), but that may pose a significant threat
5 to public health and safety or to the environment. The department
6 may establish guidelines for determining which releases are
7 reportable under this paragraph.

8 (d) The owner of property on which a reportable release has
9 occurred and any person who releases, or causes a reportable
10 release and who fails to make the written report required by
11 subdivision (b), shall be liable for a penalty not to exceed
12 twenty-five thousand dollars (\$25,000) for each separate violation
13 and for each day that a violation continues. Each day on which the
14 released hazardous substance remains is a separate violation unless
15 the person has either filed the report or is in compliance with an
16 order issued by a local, state, or federal agency with regard to the
17 release.

18 (e) Liability under this section may be imposed in a civil action
19 or may be administratively imposed by the department pursuant
20 to Section 25359.3.

21 (f) If the violation of subdivision (b) results in, or significantly
22 contributes to, an emergency, including, but not limited to, a fire,
23 to which a county, city, or district is required to respond, the
24 responsible party may be assessed the full cost of the emergency
25 response by the city, county, or district.

26 SEC. 153. Section 25404.3 of the Health and Safety Code is
27 amended to read:

28 25404.3. (a) The secretary shall, within a reasonable time after
29 submission of a complete application for certification pursuant to
30 Section 25404.2, and regulations adopted pursuant to that section,
31 but not to exceed 180 days, review the application, and, after
32 holding a public hearing, determine if the application should be
33 approved. Before disapproving an application for certification, the
34 secretary shall submit to the applicant agency a notification of the
35 secretary's intent to disapprove the application, in which the
36 secretary shall specify the reasons why the applicant agency does
37 not have the capability or the resources to fully implement and
38 enforce the unified program in a manner that is consistent with the
39 regulations implementing the unified program adopted by the
40 secretary pursuant to this chapter. The secretary shall provide the

1 applicant agency with a reasonable time to respond to the reasons
2 specified in the notification and to correct deficiencies in its
3 application. The applicant agency may request a second public
4 hearing, at which the secretary shall hear the applicant agency's
5 response to the reasons specified in the notification.

6 (b) In determining whether an applicant agency should be
7 certified, or designated as certified, the secretary, after receiving
8 comments from the director, the Director of the ~~Office of~~
9 ~~Emergency Services~~ *California Emergency Management Agency*,
10 the State Fire Marshal, and the Executive Officers and Chairpersons
11 of the State Water Resources Control Board and the California
12 regional water quality control boards, shall consider at least all of
13 the following factors:

14 (1) Adequacy of the technical expertise possessed by each
15 unified program agency that will be implementing each element
16 of the unified program, including, but not limited to, whether the
17 agency responsible for implementing and enforcing the
18 requirements of Chapter 6.5 (commencing with Section 25100)
19 satisfies the requirements of Section 15260 of Title 27 of the
20 California Code of Regulations.

21 (2) Adequacy of staff resources.

22 (3) Adequacy of budget resources and funding mechanisms.

23 (4) Training requirements.

24 (5) Past performance in implementing and enforcing
25 requirements related to the handling of hazardous materials and
26 hazardous waste.

27 (6) Recordkeeping and cost accounting systems.

28 (7) Compliance with the criteria in Section 15170 of Title 27
29 of the California Code of Regulations.

30 (c) (1) In making the determination of whether or not to certify
31 a particular applicant agency as a certified unified program agency,
32 the secretary shall consider the applications of every other applicant
33 agency applying to be a certified unified program agency within
34 the same county, in order to determine the impact of each
35 certification decision on the county. If the secretary identifies that
36 there may be adverse impacts on the county if any particular agency
37 in a county is certified, the secretary shall work cooperatively with
38 each affected agency to address the secretary's concerns.

1 (2) The secretary shall not certify an agency to be a certified
2 unified program agency unless the secretary finds both of the
3 following:

4 (A) The unified program will be implemented in a coordinated
5 and consistent manner throughout the entire county in which the
6 applicant agency is located.

7 (B) The administration of the unified program throughout the
8 entire county in which the applicant agency is located will be less
9 fragmented between jurisdictions, as compared to before January
10 1, 1994, with regard to the administration of the provisions
11 specified in subdivision (c) of Section 25404.

12 (d) (1) The secretary shall not certify an applicant agency that
13 proposes to allow participating agencies to implement certain
14 elements of the unified program unless the secretary makes all of
15 the following findings:

16 (A) The applicant agency has adequate authority, and has in
17 place adequate systems, protocols, and agreements, to ensure that
18 the actions of the other agencies proposed to implement certain
19 elements of the unified program are fully coordinated and
20 consistent with each other and with those of the applicant agency,
21 and to ensure full compliance with the regulations implementing
22 the unified program adopted by the secretary pursuant to this
23 chapter.

24 (B) An agreement between the applicant and other agencies
25 proposed to implement any elements of the unified program
26 contains procedures for removing any agencies proposed and
27 engaged to implement any element of the unified program. The
28 procedures in the agreement shall include, at a minimum,
29 provisions for providing notice, stating causes, taking public
30 comment, making appeals, and resolving disputes.

31 (C) The other agencies proposed to implement certain elements
32 of the unified program have the capability and resources to
33 implement those elements, taking into account the factors
34 designated in subdivision (b).

35 (D) All other agencies proposed to implement certain elements
36 of the unified program shall maintain an agreement with the
37 applicant agency that ensures that the requirements of Section
38 25404.2 will be fully implemented.

39 (E) If the applicant agency proposes that any agency other than
40 itself will be responsible for implementing aspects of the single

1 fee system imposed pursuant to Section 25404.5, the applicant
2 agency maintains an agreement with that agency that ensures that
3 the fee system is implemented in a fully consistent and coordinated
4 manner, and that ensures that each participating agency receives
5 the amount that it determines to constitute its necessary and
6 reasonable costs of implementing the element or elements of the
7 unified program that it is responsible for implementing.

8 (2) After the secretary has certified an applicant agency pursuant
9 to this subdivision, that agency shall obtain the approval of the
10 secretary before removing and replacing a participating agency
11 that is implementing an element of the unified program.

12 (3) Any state agency, including, but not limited to, the State
13 Department of Health Services, acting as a participating agency,
14 may contract with a unified program agency to implement or
15 enforce the unified program.

16 (e) Until a city's or county's application for certification to
17 implement the unified program is acted upon by the secretary, the
18 roles, responsibilities, and authority for implementing the programs
19 identified in subdivision (c) of Section 25404 that existed in that
20 city or county pursuant to statutory authorization as of December
21 31, 1993, shall remain in effect.

22 (f) (1) Except as provided in subparagraph (C) of paragraph
23 (2) or in Section 25404.8, if no local agency has been certified by
24 January 1, 1997, to implement the unified program within a city,
25 the secretary shall designate either the county in which the city is
26 located or another agency pursuant to subparagraph (A) of
27 paragraph (2) as the unified program agency.

28 (2) (A) Except as provided in subparagraph (C), if no local
29 agency has been certified by January 1, 2001, to implement the
30 unified program within the unincorporated or an incorporated area
31 of a county, the secretary shall determine how the unified program
32 shall be implemented in the unincorporated area of the county,
33 and in any city in which there is no agency certified to implement
34 the unified program. In such an instance, the secretary shall work
35 in consultation with the county and cities to determine which state
36 or local agency or combination of state and local agencies should
37 implement the unified program, and shall determine which state
38 or local agency shall be designated as the certified unified program
39 agency.

1 (B) The secretary shall determine the method by which the
2 unified program shall be implemented throughout the county and
3 may select any combination of the following implementation
4 methods:

5 (i) The certification of a state or local agency as a certified
6 unified program agency.

7 (ii) The certification of an agency from another county as the
8 certified unified program agency.

9 (iii) The certification of a joint powers agency as the certified
10 unified program agency.

11 (C) Notwithstanding paragraph (1) and subparagraphs (A) and
12 (B), if the Cities of Sunnyvale, Anaheim, and Santa Ana prevail
13 in litigation filed in 1997 against the secretary, and, to the extent
14 the secretary determines that these three cities meet the
15 requirements for certification, the secretary may certify these cities
16 as certified unified program agencies.

17 (g) (1) If a certified unified program agency wishes to withdraw
18 from its obligations to implement the unified program and is a city
19 or a joint powers agency implementing the unified program within
20 a city, the agency may withdraw after providing 180 days' notice
21 to the secretary and to the county within which the city is located,
22 or to the joint powers agency with which the county has an
23 agreement to implement the unified program.

24 (2) Whenever a certified unified program agency withdraws
25 from its obligations to implement the unified program, or the
26 secretary withdraws an agency's certification pursuant to Section
27 25404.4, the successor certified unified program agency shall be
28 determined in accordance with subdivision (f).

29 SEC. 154. Section 25501 of the Health and Safety Code is
30 amended to read:

31 25501. Unless the context indicates otherwise, the following
32 definitions govern the construction of this chapter:

33 (a) "Administering agency" means the local agency authorized,
34 pursuant to Section 25502, to implement and enforce this chapter.

35 (b) "Agency" means the *California Emergency Management*
36 *Agency*.

37 ~~(b)~~

38 (c) "Agricultural handler" means an entity identified in
39 paragraph (5) of subdivision (c) of Section 25503.5.

40 ~~(e)~~

1 (d) “Area plan” means a plan established pursuant to Section
2 25503 by an administering agency for emergency response to a
3 release or threatened release of a hazardous material within a city
4 or county.

5 ~~(d)~~

6 (e) “Business” means an employer, self-employed individual,
7 trust, firm, joint stock company, corporation, partnership, or
8 association. For purposes of this chapter, “business” includes a
9 business organized for profit and a nonprofit business.

10 ~~(e)~~

11 (f) “Business plan” means a separate plan for each facility, site,
12 or branch of a business that meets the requirements of Section
13 25504.

14 ~~(f)~~

15 (g) “Certification statement” means a statement signed by the
16 business owner, operator, or officially designated representative
17 that attests to all of the following:

18 (1) The information contained in the annual inventory form
19 most recently submitted to the administering agency is complete,
20 accurate, and up to date.

21 (2) There has been no change in the quantity of any hazardous
22 material as reported in the most recently submitted annual
23 inventory form.

24 (3) No hazardous materials subject to the inventory requirements
25 of this chapter are being handled that are not listed on the most
26 recently submitted annual inventory form.

27 (4) The most recently submitted annual inventory form contains
28 the information required by Section 11022 of Title 42 of the United
29 States Code.

30 ~~(g)~~

31 (h) (1) “Certified Unified Program Agency” or “CUPA” means
32 the agency certified by the secretary to implement the unified
33 program specified in Chapter 6.11 (commencing with Section
34 25404) within a jurisdiction.

35 (2) “Participating Agency” or “PA” means an agency that has
36 a written agreement with the CUPA pursuant to subdivision (d)
37 of Section 25404.3, and is approved by the secretary, to implement
38 or enforce one or more of the unified program elements specified
39 in paragraphs (4) and (5) of subdivision (c) of Section 25404, in
40 accordance with the provisions of Sections 25404.1 and 25404.2.

(3) “Unified Program Agency” or “UPA” means the CUPA, or its participating agencies to the extent each PA has been designated by the CUPA, pursuant to a written agreement, to implement or enforce a particular unified program element specified in paragraphs (4) and (5) of subdivision (c) of Section 25404. For purposes of this chapter, the UPAs have the responsibility and authority, to the extent provided by this chapter and Sections 25404.1 and 25404.2, to implement and enforce only those requirements of this chapter listed in paragraphs (4) and (5) of subdivision (c) of Section 25404. The UPAs also have the responsibility and authority, to the extent provided by this chapter and Sections 25404.1 and 25404.2, to implement and enforce the regulations adopted to implement the requirements of this chapter listed in paragraphs (4) and (5) of subdivision (c) of Section 25404. After a CUPA has been certified by the secretary, the unified program agencies shall be the only local agencies authorized to enforce the requirements of this chapter listed in paragraphs (4) and (5) of subdivision (c) of Section 25404 within the jurisdiction of the CUPA.

~~(h)~~

(i) “City” includes any city and county.

~~(i)~~

(j) “Chemical name” means the scientific designation of a substance in accordance with the nomenclature system developed by the International Union of Pure and Applied Chemistry or the system developed by the Chemical Abstracts Service.

~~(j)~~

(k) “Common name” means any designation or identification, such as a code name, code number, trade name, or brand name, used to identify a substance by other than its chemical name.

~~(k)~~

(l) “Department” means the Department of Toxic Substances Control and “director” means the Director of Toxic Substances Control.

~~(l)~~

(m) “Emergency rescue personnel” means any public employee, including, but not limited to, any fireman, firefighter, or emergency rescue personnel, as defined in Section 245.1 of the Penal Code, or personnel of a local EMS agency, as designated pursuant to Section 1797.200, or a poison control center, as defined by Section

1 1797.97, who responds to any condition caused, in whole or in
2 part, by a hazardous material that jeopardizes, or could jeopardize,
3 public health or safety or the environment.

4 ~~(m)~~

5 (n) “Handle” means to use, generate, process, produce, package,
6 treat, store, emit, discharge, or dispose of a hazardous material in
7 any fashion.

8 ~~(n)~~

9 (o) “Handler” means any business that handles a hazardous
10 material.

11 ~~(o)~~

12 (p) “Hazardous material” means any material that, because of
13 its quantity, concentration, or physical or chemical characteristics,
14 poses a significant present or potential hazard to human health and
15 safety or to the environment if released into the workplace or the
16 environment. “Hazardous materials” include, but are not limited
17 to, hazardous substances, hazardous waste, and any material that
18 a handler or the administering agency has a reasonable basis for
19 believing that it would be injurious to the health and safety of
20 persons or harmful to the environment if released into the
21 workplace or the environment.

22 ~~(p)~~

23 (q) “Hazardous substance” means any substance or chemical
24 product for which one of the following applies:

25 (1) The manufacturer or producer is required to prepare a MSDS
26 for the substance or product pursuant to the Hazardous Substances
27 Information and Training Act (Chapter 2.5 (commencing with
28 Section 6360) of Part 1 of Division 5 of the Labor Code) or
29 pursuant to any applicable federal law or regulation.

30 (2) The substance is listed as a radioactive material in Appendix
31 B of Chapter 1 of Title 10 of the Code of Federal Regulations,
32 maintained and updated by the Nuclear Regulatory Commission.

33 (3) The substances listed pursuant to Title 49 of the Code of
34 Federal Regulations.

35 (4) The materials listed in subdivision (b) of Section 6382 of
36 the Labor Code.

37 ~~(q)~~

38 (r) “Hazardous waste” means hazardous waste, as defined by
39 Sections 25115, 25117, and 25316.

40 ~~(r) “Office” means the Office of Emergency Services.~~

1 (s) "Release" means any spilling, leaking, pumping, pouring,
2 emitting, emptying, discharging, injecting, escaping, leaching,
3 dumping, or disposing into the environment, unless permitted or
4 authorized by a regulatory agency.

5 (t) "Secretary" means the Secretary for Environmental
6 Protection.

7 (u) "SIC Code" means the identification number assigned by
8 the Standard Industrial Classification Code to specific types of
9 businesses.

10 (v) "Threatened release" means a condition creating a substantial
11 probability of harm, when the probability and potential extent of
12 harm make it reasonably necessary to take immediate action to
13 prevent, reduce, or mitigate damages to persons, property, or the
14 environment.

15 (w) "Trade secret" means trade secrets as defined in subdivision
16 (d) of Section 6254.7 of the Government Code and Section 1060
17 of the Evidence Code.

18 (x) "Unified Program Facility" means all contiguous land and
19 structures, other appurtenances, and improvements on the land
20 that are subject to the requirements of paragraphs (4) and (5) of
21 subdivision (c) of Section 25404.

22 SEC. 155. Section 25502 of the Health and Safety Code is
23 amended to read:

24 25502. (a) (1) This chapter, as it pertains to the handling of
25 hazardous material, shall be implemented by one of the following:

26 (A) If there is a CUPA, the Unified Program Agency.

27 (B) If there is no CUPA, the agency authorized pursuant to
28 subdivision (f) of Section 25404.3.

29 (2) The agency responsible for implementing this chapter shall
30 ensure full access to, and the availability of, information submitted
31 under this chapter to emergency rescue personnel and other
32 appropriate governmental entities within its jurisdiction.

33 (b) (1) If there is no CUPA, a city may, by ordinance or
34 resolution, assume responsibility for the implementation of this
35 chapter and, if so, shall have exclusive jurisdiction within the
36 boundary of the city for the purposes of carrying out this chapter.
37 The ordinance shall require that a person who violates Section
38 25507 shall be subject to the penalties specified in Section 25515.
39 A city that assumes responsibility for implementation of this
40 chapter shall provide notice of its ordinance or resolution to the

1 ~~office agency~~ and to the administering agency of its county. It shall
2 also consult with, and coordinate its activities with, the county in
3 which the city is located to avoid duplicating efforts or any
4 misunderstandings regarding the areas, duties, and responsibilities
5 of each administering agency.

6 (2) A city may not assume responsibility for the implementation
7 of this chapter unless it has enacted an implementing ordinance
8 or adopted an implementing resolution not later than 60 days after
9 the ~~office agency~~ adopts regulations pursuant to Section 25503,
10 except that a city may enact an implementing ordinance or adopt
11 an implementing resolution after this 60-day period, if it has an
12 agreement with the county to do so. A new city has one year from
13 the date of incorporation to enact an ordinance or adopt a resolution
14 implementing this chapter.

15 (3) The *local* agency responsible for administering and enforcing
16 this chapter shall be the agency so authorized pursuant to
17 subdivision (f) of Section 25404.3.

18 (c) If there is no CUPA, the county and any city that assume
19 responsibility pursuant to subdivision (b) shall designate a
20 department, office, or other agency of the county or city, as the
21 case may be, or the city or county may designate a fire district, as
22 the administering agency responsible for administering and
23 enforcing this chapter. The county and any city that assume
24 responsibility pursuant to subdivision (b) shall notify the ~~office~~
25 *agency* immediately upon making a designation. The *local* agency
26 responsible for administering and enforcing this chapter shall be
27 the agency so authorized pursuant to subdivision (f) of Section
28 25404.3.

29 SEC. 156. Section 25503 of the Health and Safety Code is
30 amended to read:

31 25503. (a) Not later than September 1, 1986, the ~~office agency~~
32 shall adopt, after public hearing and consultation with the office
33 of the State Fire Marshal and other appropriate public entities,
34 regulations for minimum standards for business plans and area
35 plans. All business plans and area plans shall meet the standards
36 adopted by the ~~office agency~~.

37 (b) The standards for business plans in the regulations adopted
38 pursuant to subdivision (a) shall do all of the following:

1 (1) Set forth minimum requirements of adequacy, and not
2 preclude the imposition of additional or more stringent
3 requirements by local government.

4 (2) Take into consideration and adjust for the size and nature
5 of the business, the proximity of the business to residential areas
6 and other populations, and the nature of the damage potential of
7 its hazardous materials in establishing standards for subdivisions
8 (b) and (c) of Section 25504.

9 (3) Take into account the existence of local area and business
10 plans which meet the requirements of this chapter so as to minimize
11 the duplication of local efforts, consistent with the objectives of
12 this chapter.

13 (4) Define what releases and threatened releases are required
14 to be reported pursuant to Section 25507. ~~The office~~ agency shall
15 consider the existing federal reporting requirements in determining
16 a definition of reporting releases pursuant to Section 25507.

17 (c) An administering agency shall establish an area plan for
18 emergency response to a release or threatened release of a
19 hazardous material within its jurisdiction. An area plan is not a
20 statute, ordinance, or regulation for purposes of Section 669 of the
21 Evidence Code. The standards for area plans in the regulations
22 adopted pursuant to subdivision (a) shall provide for all of the
23 following:

24 (1) Procedures and protocols for emergency rescue personnel,
25 including the safety and health of those personnel.

26 (2) Preemergency planning.

27 (3) Notification and coordination of onsite activities with state,
28 local, and federal agencies, responsible parties, and special districts.

29 (4) Training of appropriate employees.

30 (5) Onsite public safety and information.

31 (6) Required supplies and equipment.

32 (7) Access to emergency response contractors and hazardous
33 waste disposal sites.

34 (8) Incident critique and followup.

35 (9) Requirements for notification to ~~the office~~ agency of reports
36 made pursuant to Section 25507.

37 (d) (1) The administering agency shall submit a copy of its
38 proposed area plan, within 180 days after adoption of regulations
39 by ~~the office~~ agency establishing area plan standards, to ~~the office~~
40 agency for review. ~~The office~~ agency shall notify the administering

1 agency as to whether the area plan is adequate and meets the area
2 plan standards. The administering agency shall within 45 days of
3 this notice submit a corrected area plan.

4 ~~The~~

5 (2) ~~The~~ administering agency shall certify to the ~~office~~ agency
6 every three years that it has conducted a complete review of its
7 area plan and has made any necessary revisions. Any time an
8 administering agency makes any substantial changes to its area
9 plan, it shall forward the changes to the ~~office~~ agency within 14
10 days after the changes have been made.

11 (e) An administering agency shall submit to the ~~office~~ agency,
12 along with its area plan, both of the following:

13 (1) The basic provisions of a plan to conduct onsite inspections
14 of businesses subject to this chapter by either the administering
15 agency or other designated entity. These inspections shall ensure
16 compliance with this chapter and shall identify existing safety
17 hazards that could cause or contribute to a release and, where
18 appropriate, enforce any applicable laws and suggest preventative
19 measures designed to minimize the risk of the release of hazardous
20 material into the workplace or environment. The requirements of
21 this paragraph do not alter or affect the immunity provided a public
22 entity pursuant to Section 818.6 of the Government Code.

23 (2) A plan to institute a data management system which will
24 assist in the efficient access to and utilization of information
25 collected under this chapter. This data management system shall
26 be in operation within two years after the business plans are
27 required to be submitted to the administering agency pursuant to
28 Section 25505.

29 (f) The regulations adopted by the ~~office~~ agency pursuant to
30 subdivision (a) shall include an optional model reporting form for
31 business and area plans.

32 SEC. 157. Section 25503.1 of the Health and Safety Code is
33 amended to read:

34 25503.1. ~~The~~ ~~office~~ agency and each administering agency
35 shall adopt reporting requirements, in cooperation with the
36 Chemical Emergency Planning and Response Commission,
37 established by the Governor as the state emergency response
38 commission pursuant to subsection (a) of Section 11001 of Title
39 42 of the United States Code, which are consistent with the intent
40 and provisions of this chapter and with Chapter 116 (commencing

1 with Section 11001) of Title 42 of the United States Code, for the
2 purpose of eliminating duplicative reporting requirements, to the
3 extent achievable and practicable.

4 SEC. 158. Section 25503.3 of the Health and Safety Code is
5 amended to read:

6 25503.3. (a) ~~The office~~ *agency* shall, in consultation with the
7 administering agencies, in accordance with Section 25503.1, adopt
8 by regulation a single comprehensive hazardous material reporting
9 form for businesses to submit to administering agencies for
10 purposes of Section 25509. The form shall include a section for
11 additional information that may be requested by the administering
12 agency. The regulations shall also specify criteria for sharing data
13 electronically. Except as provided in subdivisions (b) and (c), after
14 January 1, 1997, each administering agency shall require businesses
15 to use this form annually when complying with Section 25509.

16 (b) (1) Except as provided in paragraph (2), an administering
17 agency may allow a business to submit a form designated by the
18 administering agency for purposes of the inventory required by
19 Section 25509 instead of the single comprehensive hazardous
20 material reporting form adopted pursuant to subdivision (a). Any
21 form designated by an administering agency pursuant to this
22 paragraph shall ensure that all of the information required by
23 Section 25509 is reported. The form shall be developed in
24 consultation with the other agencies within the jurisdiction that
25 are responsible for fire protection, emergency response, and
26 environmental health. If the administering agency permits inventory
27 information to be submitted by electronic means, the format and
28 mode of submittal shall be developed in consultation with those
29 other agencies and, following the adoption of standards for the
30 sharing of electronic data pursuant to subdivision (e) of Section
31 25404, shall be consistent with those standards.

32 (2) If a business chooses to submit the single comprehensive
33 hazardous material reporting form adopted pursuant to subdivision
34 (a), the administering agency shall accept that form.

35 (c) Notwithstanding Section 25509, a business may comply
36 with the annual inventory reporting requirements of this article by
37 submitting a certification statement to the administering agency
38 if both of the following apply:

39 (1) The business has previously filed the single comprehensive
40 hazardous material reporting form required by subdivision (a) or

1 the alternative form designated by the administering agency
2 pursuant to subdivision (b).

3 (2) The business can attest to the statements set forth in
4 paragraphs (1) to (4), inclusive, of subdivision (f) of Section 25501.

5 SEC. 159. Section 25503.4 of the Health and Safety Code is
6 amended to read:

7 25503.4. (a) The ~~office~~ *agency* shall adopt a format that allows
8 persons subject to two or more of the following requirements to
9 meet those requirements in one document:

10 (1) The business plan required by this chapter.

11 (2) The risk management plan required by Section 25534.

12 (3) The contingency plan required by Division 4.5 (commencing
13 with Section 66001) of Title 22 of the California Code of
14 Regulations and by Part 262 (commencing with Section 262.10),
15 Part 264 (commencing with Section 264.1), or Part 265
16 (commencing with Section 265.1) of Title 40 of the Code of
17 Federal Regulations.

18 (4) The spill prevention control and countermeasure plan
19 required by Section 25270.4.5 and by Part 112 (commencing with
20 Section 112.1) or by Part 300 (commencing with Section 300.1)
21 of Title 40 of the Code of Federal Regulations.

22 (5) Any accident or spill prevention plan or response plan
23 required by Chapter 6.7 (commencing with Section 25280) or by
24 regulations adopted pursuant to that chapter or required by an
25 underground storage tank ordinance adopted by a city or county.

26 (6) The interim marine facility oil spill contingency plan
27 required by Section 8670.29 of the Government Code and the
28 marine facility oil spill contingency plan required by Section
29 8670.31 of the Government Code.

30 (b) The format required by subdivision (a) shall be organized
31 as follows:

32 (1) A central element that will enable persons using the format
33 to report information and data common to all of the requirements
34 described in subdivision (a).

35 (2) Appendices that will contain the additional information
36 unique to each individual requirement described in subdivision
37 (a).

38 (c) The ~~office~~ *agency* shall adopt the format required by
39 subdivision (a) in consultation with administering agencies and
40 the Information Management Subcommittee of the Chemical

Emergency Planning and Response Commission and in cooperation with the State Water Resources Control Board, the Department of Fish and Game, and the department. The adoption of the format is not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code and shall be completed by January 1, 1995. To the extent feasible, and within the limits of budgetary constraints, the ~~office~~ *agency*, the State Water Resources Control Board, the Department of Fish and Game, and the department shall convene workshops and other public meetings to obtain public assistance on the development of the format.

SEC. 160. Section 25503.5 of the Health and Safety Code is amended to read:

25503.5. (a) (1) A business, except as provided in subdivisions (b), (c), and (d), shall establish and implement a business plan for emergency response to a release or threatened release of a hazardous material in accordance with the standards prescribed in the regulations adopted pursuant to Section 25503, if the business handles a hazardous material or a mixture containing a hazardous material that has a quantity at any one time during the reporting year that is any of the following:

(A) Equal to, or greater than, a total weight of 500 pounds or a total volume of 55 gallons.

(B) Equal to, or greater than, 200 cubic feet at standard temperature and pressure, if the substance is compressed gas.

(C) If the substance is a radioactive material, it is handled in quantities for which an emergency plan is required to be adopted pursuant to Part 30 (commencing with Section 30.1), Part 40 (commencing with Section 40.1), or Part 70 (commencing with Section 70.1), of Chapter 1 of Title 10 of the Code of Federal Regulations, or pursuant to any regulations adopted by the state in accordance with those regulations.

(2) In meeting the requirements of this subdivision, a business may, if it elects to do so, use the format adopted pursuant to Section 25503.4.

(b) (1) Oxygen, nitrogen, and nitrous oxide, ordinarily maintained by a physician, dentist, podiatrist, veterinarian, or pharmacist, at his or her office or place of business, stored at each office or place of business in quantities of not more than 1,000 cubic feet of each material at any one time, are exempt from this

1 section and from Section 25505. The administering agency may
2 require a one-time inventory of these materials for a fee not to
3 exceed fifty dollars (\$50) to pay for the costs incurred by the
4 agency in processing the inventory forms.

5 (2) (A) Lubricating oil is exempt from this section and Sections
6 25505 and 25509, for a single business facility, if the total volume
7 of each type of lubricating oil handled at that facility does not
8 exceed 55 gallons and the total volume of all types of lubricating
9 oil handled at that facility does not exceed 275 gallons, at any one
10 time.

11 (B) For purposes of this paragraph, “lubricating oil” means any
12 oil intended for use in an internal combustion crankcase, or the
13 transmission, gearbox, differential, or hydraulic system of an
14 automobile, bus, truck, vessel, plane, heavy equipment, or other
15 machinery powered by an internal combustion or electric powered
16 engine. “Lubricating oil” does not include used oil, as defined in
17 subdivision (a) of Section 25250.1.

18 (c) (1) Hazardous material contained solely in a consumer
19 product for direct distribution to, and use by, the general public is
20 exempt from the business plan requirements of this chapter unless
21 the administering agency has found, and has provided notice to
22 the business handling the product, that the handling of certain
23 quantities of the product requires the submission of a business
24 plan, or any portion thereof, in response to public health, safety,
25 or environmental concerns.

26 (2) In addition to the authority specified in paragraph (4), the
27 administering agency may, in exceptional circumstances, following
28 notice and public hearing, exempt from the inventory provisions
29 of this chapter any hazardous substance specified in subdivision
30 (p) of Section 25501 if the administering agency finds that the
31 hazardous substance would not pose a present or potential danger
32 to the environment or to human health and safety if the hazardous
33 substance was released into the environment. The administering
34 agency shall specify in writing the basis for granting any exemption
35 under this paragraph. The administering agency shall send a notice
36 to the ~~office~~ agency within five days from the effective date of any
37 exemption granted pursuant to this paragraph.

38 (3) The administering agency, upon application by a handler,
39 may exempt the handler, under conditions that the administering
40 agency determines to be proper, from any portion of the business

1 plan, upon a written finding that the exemption would not pose a
2 significant present or potential hazard to human health or safety
3 or to the environment or affect the ability of the administering
4 agency and emergency rescue personnel to effectively respond to
5 the release of a hazardous material, and that there are unusual
6 circumstances justifying the exemption. The administering agency
7 shall specify in writing the basis for any exemption under this
8 paragraph.

9 (4) The administering agency, upon application by a handler,
10 may exempt a hazardous material from the inventory provisions
11 of this chapter upon proof that the material does not pose a
12 significant present or potential hazard to human health and safety
13 or to the environment if released into the workplace or
14 environment. The administering agency shall specify in writing
15 the basis for any exemption under this paragraph.

16 (5) An administering agency shall exempt a business operating
17 a farm for purposes of cultivating the soil or raising or harvesting
18 any agricultural or horticultural commodity from filing the
19 information in the business plan required by subdivisions (b) and
20 (c) of Section 25504 if all of the following requirements are met:

21 (A) The handler annually provides the inventory of information
22 required by Section 25509 to the county agricultural commissioner
23 before January 1 of each year.

24 (B) Each building in which hazardous materials subject to this
25 chapter are stored is posted with signs, in accordance with
26 regulations that the ~~office~~ agency shall adopt, that provide notice
27 of the storage of any of the following:

28 (i) Pesticides.

29 (ii) Petroleum fuels and oil.

30 (iii) Types of fertilizers.

31 (C) Each county agricultural commissioner forwards the
32 inventory to the administering agency within 30 days from the
33 date of receipt of the inventory.

34 (6) The administering agency shall exempt a business operating
35 an unstaffed remote facility located in an isolated sparsely
36 populated area from the hazardous materials business plan and
37 inventory requirements of this article if the facility is not otherwise
38 subject to the requirements of applicable federal law, and all of
39 the following requirements are met:

1 (A) The types and quantities of materials onsite are limited to
2 one or more of the following:

3 (i) Five hundred standard cubic feet of compressed inert gases
4 (asphyxiation and pressure hazards only).

5 (ii) Five hundred gallons of combustible liquid used as a fuel
6 source.

7 (iii) Two hundred gallons of corrosive liquids used as
8 electrolytes in closed containers.

9 (iv) Five hundred gallons of lubricating and hydraulic fluids.

10 (v) Twelve hundred gallons of flammable gas used as a fuel
11 source.

12 (B) The facility is secured and not accessible to the public.

13 (C) Warning signs are posted and maintained for hazardous
14 materials pursuant to the California Fire Code.

15 (D) A one-time notification and inventory is provided to the
16 administering agency along with a processing fee in lieu of the
17 existing fee. The fee shall not exceed the actual cost of processing
18 the notification and inventory, including a verification inspection
19 if necessary.

20 (E) If the information contained in the initial notification or
21 inventory changes and the time period of the change is longer than
22 30 days, the notification or inventory shall be resubmitted within
23 30 days to the administering agency to reflect the change, along
24 with a processing fee, in lieu of the existing fee, that does not
25 exceed the actual cost of processing the amended notification or
26 inventory, including a verification inspection, if necessary.

27 (F) The administering agency shall forward a copy of the
28 notification and inventory to those agencies that share responsibility
29 for emergency response.

30 (G) The administering agency may require an unstaffed remote
31 facility to submit a hazardous materials business plan and inventory
32 in accordance with this article if the agency finds that special
33 circumstances exist such that development and maintenance of the
34 business plan and inventory is necessary to protect public health
35 and safety and the environment.

36 (d) Onpremise use, storage, or both, of propane in an amount
37 not to exceed 300 gallons that is for the sole purpose of heating
38 the employee working areas with that business is exempt from this
39 section, unless the administering agency finds, and provides notice
40 to the business handling the propane, that the handling of the

1 onpremise propane requires the submission of a business plan, or
2 any portion thereof, in response to public health, safety, or
3 environmental concerns.

4 (e) The administering agency shall provide all information
5 obtained from completed inventory forms, upon request, to
6 emergency rescue personnel on a 24-hour basis.

7 (f) The administering agency shall adopt procedures to provide
8 for public input when approving any applications submitted
9 pursuant to paragraph (3) or (4) of subdivision (c).

10 SEC. 161. Section 25503.9 of the Health and Safety Code is
11 amended to read:

12 25503.9. On or before January 1, 1995, the ~~office~~ *agency* shall,
13 in consultation with the administering agencies and the State Fire
14 Marshal, adopt by regulation, a single comprehensive addendum
15 to the hazardous materials reporting form for businesses to submit
16 to administering agencies for purposes of complying with
17 subdivisions (b) and (c) of Section 13143.9 and subdivision (b) of
18 Section 25509. The regulations shall also specify criteria for
19 sharing data electronically. Not later than two years after the
20 effective date of those regulations, and annually thereafter, each
21 administering agency shall require businesses to use that addendum
22 when complying with subdivisions (b) and (c) of Section 13143.9
23 and subdivision (b) of Section 25509. The addendum shall be filed
24 with the administering agency, when required by the local fire
25 chief.

26 SEC. 162. Section 25505.2 of the Health and Safety Code is
27 amended to read:

28 25505.2. (a) Notwithstanding any other provision of this
29 chapter, any city or county which, on September 1, 1985, had in
30 effect a local ordinance containing business inventory reporting
31 requirements substantially similar to this chapter, as amended by
32 the act enacting this section, is exempt from having to implement
33 any regulations adopted by the ~~office~~ *agency* concerning business
34 plans upon meeting both of the following requirements:

35 (1) Not later than 90 days after the effective date of the act
36 enacting this section, the city or county enacts an ordinance, or
37 amends its existing ordinance, so that its requirements for business
38 plans are the same as, or more restrictive than, this chapter,
39 including subdivision (a) of Section 25503.5 and Sections 25504
40 and 25509.

(2) The ~~office~~ agency certifies that the ordinance's requirements are in compliance with paragraph (1) and that the city or county is implementing the ordinance, based upon evidence submitted by the city or county. Applications for exemption shall be filed with the ~~office~~ agency not later than 120 days from the effective date of the act enacting this section and the ~~office~~ agency shall certify or reject the applications within 60 days after receipt. The city or county may file an appeal of the decision of the ~~office~~ agency with the ~~Director~~ secretary of the ~~Office of Emergency Services~~ agency, under procedures established by the ~~office~~ agency.

(b) This section does not exempt any administering agency from compliance with any other provision of this chapter.

(c) Any business located in a city or county which is exempt from the regulations adopted pursuant to this chapter concerning business plans, shall comply with the ordinance adopted by the city or county.

SEC. 163. Section 25507 of the Health and Safety Code is amended to read:

25507. (a) Except as provided in subdivision (b), the handler or any employee, authorized representative, agent, or designee of a handler shall, upon discovery, immediately report any release or threatened release of a hazardous material to the administering agency, and to the ~~office~~ agency, in accordance with the regulations adopted pursuant to Section 25503. Each handler and any employee, authorized representative, agent, or designee of a handler shall provide all state, city, or county fire or public health or safety personnel and emergency rescue personnel with access to the handler's facilities.

(b) Subdivision (a) does not apply to any person engaged in the transportation of a hazardous material on a highway which is subject to, and in compliance with, the requirements of Sections 2453 and 23112.5 of the Vehicle Code.

SEC. 164. Section 25507.1 of the Health and Safety Code is amended to read:

25507.1. (a) Any business required to submit a followup emergency notice pursuant to subdivision (c) of Section 11004 of Title 42 of the United States Code, as that section reads on January 1, 1989, or as it may be subsequently amended, shall submit the notice on a form approved by the ~~office~~ agency.

1 (b) The ~~office~~ *agency* may adopt guidelines for the use of the
2 forms required by subdivision (a).

3 SEC. 165. Section 25509 of the Health and Safety Code is
4 amended to read:

5 25509. (a) The annual inventory form shall include, but shall
6 not be limited to, information on all of the following which are
7 handled in quantities equal to or greater than the quantities
8 specified in subdivision (a) of Section 25503.5:

9 (1) A listing of the chemical name and common names of every
10 hazardous substance or chemical product handled by the business.

11 (2) The category of waste, including the general chemical and
12 mineral composition of the waste listed by probable maximum
13 and minimum concentrations, of every hazardous waste handled
14 by the business.

15 (3) A listing of the chemical name and common names of every
16 other hazardous material or mixture containing a hazardous
17 material handled by the business which is not otherwise listed
18 pursuant to paragraph (1) or (2).

19 (4) The maximum amount of each hazardous material or mixture
20 containing a hazardous material disclosed in paragraphs (1), (2),
21 and (3) which is handled at any one time by the business over the
22 course of the year.

23 (5) Sufficient information on how and where the hazardous
24 materials disclosed in paragraphs (1), (2), and (3) are handled by
25 the business to allow fire, safety, health, and other appropriate
26 personnel to prepare adequate emergency responses to potential
27 releases of the hazardous materials.

28 (6) The SIC Code number of the business if applicable.

29 (7) The name and phone number of the person representing the
30 business and able to assist emergency personnel in the event of an
31 emergency involving the business during nonbusiness hours.

32 (b) If the local fire chief requires the business to comply with
33 the requirements of subdivision (c) of Section 80.103 of the
34 Uniform Fire Code, as adopted by the State Fire Marshal pursuant
35 to Section 13143.9, the business shall also file the addendum
36 required by Section 25503.9 with the administering agency.

37 (c) The administering agency may permit the reporting of the
38 amount of hazardous material under this section by ranges, rather
39 than a specific amount, as long as those ranges provide the
40 information necessary to meet the needs of emergency rescue

1 personnel, to determine the potential hazard from a release of the
2 materials, and meets the purposes of this chapter.

3 (d) (1) Except as provided in subdivision (e), the annual
4 inventory form required by this section shall also include all
5 inventory information required by Section 11022 of Title 42 of
6 the United States Code, as that section read on January 1, 1989,
7 or as it may be subsequently amended.

8 (2) The ~~office~~ *agency* may adopt or amend existing regulations
9 specifying the inventory information required by this subdivision.

10 (e) If, pursuant to federal law or regulation, as it currently exists
11 or as it may be amended, there is a determination that the inventory
12 information required by subdivisions (a) and (c) is substantially
13 equivalent to the inventory information required under the
14 Emergency Planning and Community Right-to-Know Act of 1986
15 (42 U.S.C. Sec. 11001 et seq.), the requirements of subdivision
16 (d) shall not apply.

17 SEC. 166. Section 25517.5 of the Health and Safety Code is
18 amended to read:

19 25517.5. (a) The ~~office~~ *agency* may develop materials, such
20 as guidelines and informational pamphlets, to assist businesses to
21 fulfill their obligations under this chapter.

22 (b) The ~~office~~ *agency* may adopt emergency regulations for the
23 purpose of implementing Sections 25503 and 25509. These
24 emergency regulations shall be adopted by the ~~office~~ *agency* in
25 accordance with Chapter 3.5 (commencing with Section 11340)
26 of Part 1 of Division 3 of Title 2 of the Government Code, and for
27 purposes of that chapter, the adoption of these regulations is an
28 emergency and shall be considered by the Office of Administrative
29 Law as necessary for the immediate preservation of the public
30 peace, health, and safety, or general welfare.

31 SEC. 167. Section 25520 of the Health and Safety Code is
32 amended to read:

33 25520. The ~~office~~ *agency*, not later than January 10, 1986,
34 shall adopt emergency regulations for the immediate report of
35 release or threatened release of a hazardous material as required
36 by Section 25507 until regulations are adopted pursuant to Section
37 25503. Regulations adopted pursuant to this section are not subject
38 to review by the Office of Administrative Law.

39 SEC. 168. Section 25531.2 of the Health and Safety Code is
40 amended to read:

1 25531.2. (a) The Legislature finds and declares that as the
2 state implements the federal accidental release prevention program
3 pursuant to this article, the ~~Office of Emergency Services~~
4 *California Emergency Management Agency* will play a vital and
5 increased role in preventing accidental releases of extremely
6 hazardous substances. The Legislature further finds and declares
7 that as an element of the unified program established pursuant to
8 Chapter 6.11 (commencing with Section 25404), a single fee
9 system surcharge mechanism is established by Section 25404.5 to
10 cover the costs incurred by the ~~office~~ *agency* pursuant to this
11 article. It is the intent of the Legislature that this existing authority,
12 together with any federal assistance that may become available to
13 implement the accidental release program, be used to fully fund
14 the activities of the ~~office~~ *agency* necessary to implement this
15 article.

16 (b) The ~~office~~ *agency* shall use any federal assistance received
17 to implement Chapter 6.11 (commencing with Section 25404) to
18 offset any fees or charges levied to cover the costs incurred by the
19 ~~office~~ *agency* pursuant to this article.

20 SEC. 169. Section 25545 of the Health and Safety Code is
21 amended to read:

22 25545. The ~~Office of Emergency Services~~ *agency* shall develop
23 informational guidelines for facilities required to comply with
24 Chapter 116 (commencing with Section 11001) of Title 42 of the
25 United States Code and with this chapter, and shall assist the
26 administering agencies in assuring full distribution of these
27 guidelines to those facilities.

28 SEC. 170. Section 50661.5 of the Health and Safety Code is
29 amended to read:

30 50661.5. (a) There is hereby created in the State Treasury the
31 California Disaster Housing Repair Fund, into which shall be paid
32 all moneys appropriated by the Legislature pursuant to subdivision
33 (b) or transferred pursuant to subdivision (c) for housing repair
34 loans pursuant to Sections 50662.7, 50671.5, and 50671.6. All
35 interest or other increments resulting from the investment of
36 moneys in the California Disaster Housing Repair Fund shall be
37 deposited in the fund, notwithstanding Section 16305.7 of the
38 Government Code. Notwithstanding Section 13340 of the
39 Government Code, all money in that fund is continuously
40 appropriated to the department for the following purposes:

1 (1) For making deferred payment loans and predevelopment
2 loans pursuant to Sections 50662.7, 50671.5, and 50671.6.

3 (2) For related administrative expenses of the department.

4 (3) For related administrative expenses of any entity contracting
5 with the department, pursuant to Sections 50662.7, 50671.5, and
6 50671.6 in an amount, if any, as determined by the department, to
7 enable the entities to implement a program pursuant to those
8 sections.

9 (4) For providing loan guarantees for disaster-related loans made
10 by private institutional lending sources.

11 (b) There shall be paid into the fund the following:

12 (1) Any moneys appropriated and made available by the
13 Legislature for purposes of the fund.

14 (2) Any moneys transferred from the Special Fund for Economic
15 Uncertainties prior to July 1, 1996, pursuant to subdivision (c).

16 (3) Any other moneys which may be made available to the
17 department prior to July 1, 1996, for the purposes of this section
18 from any other source or sources.

19 (4) The director may authorize the sale of the beneficiary interest
20 of loans made pursuant to Section 50662.7. The proceeds from
21 that sale prior to July 1, 1996, shall be deposited into the California
22 Disaster Housing Repair Fund. Proceeds from that sale after July
23 1, 1996, shall be deposited in the General Fund.

24 (c) (1) To the extent that funds are not available, the Department
25 of Housing and Community Development shall submit to the
26 Department of Finance, within 90 days after a disaster, a deficiency
27 request based on a minimum funding level based on a damage
28 survey completed by the ~~Office of Emergency Services~~ *California*
29 *Emergency Management Agency* and the Federal Emergency
30 Management Agency. The request shall distinguish between
31 owner-occupied housing of one to four units and rental housing
32 of five or more units.

33 (2) Upon receipt of the deficiency request from the Department
34 of Housing and Community Development pursuant to paragraph
35 (1), the Department of Finance shall make a funding determination
36 and notify the Legislature of the approval or disapproval of the
37 deficiency amount. Any deficiency amount approved shall
38 distinguish between owner-occupied housing of one to four units
39 and rental housing of five or more units.

1 (3) Any payments made pursuant to this subdivision from funds
2 made available under Section 50671.5 shall be matched by a
3 corresponding and equal payment from funds made available under
4 Section 50671.6, except that, upon the determination of the Director
5 of Finance that one of the two rental repair programs has excess
6 funds, moneys from that fund may be used for either of the other
7 two disaster repair programs.

8 (d) In the event of a natural disaster, as defined in Section 8680.3
9 of the Government Code, the Director of Finance may transfer
10 moneys from the Special Fund for Economic Uncertainties
11 established by Section 16418 of the Government Code to the
12 California Disaster Housing Repair Fund, provided the transfer is
13 not made sooner than 30 days after notification in writing of the
14 necessity therefor is provided to the Joint Legislative Budget
15 Committee.

16 (e) Notwithstanding any other provision of law, on or after July
17 1, 1996, the unencumbered fund balance and reserves shall be
18 transferred to the Housing Rehabilitation Loan Fund and
19 subsequent income and other resources payable pursuant to
20 Sections 50662.7, 50671.5, and 50671.6, shall be deposited to the
21 Housing Rehabilitation Loan Fund, except that payments of
22 principal and interest on loans issued pursuant to Sections 50662.7,
23 50671.5, and 50671.6 shall be deposited in the General Fund.

24 (f) In making funds available to disaster victims pursuant to
25 Sections 50662.7, 50671.5, and 50671.6, the department shall
26 impose a one-year deadline for submission of applications.

27 (g) Any changes made on or after January 1, 1994, to any
28 program funded by the California Disaster Housing Repair Fund
29 shall not apply to applications submitted on or before December
30 31, 1993. The department may administer the program in
31 accordance with guidelines until regulations are adopted.

32 SEC. 171. Section 51614 of the Health and Safety Code is
33 amended to read:

34 51614. (a) The agency is hereby vested with full power,
35 authority, and jurisdiction over the insurance fund. The agency
36 may perform all acts necessary or convenient in the exercise of
37 any power, authority, or jurisdiction over the insurance fund, either
38 in the administration thereof or in connection with the business
39 administered under this part, as fully and completely as the
40 governing body of a private insurance carrier.

(b) The agency may create task forces and advisory committees, when appropriate and as the members deem necessary, for the purpose of obtaining advice on issues arising as a result of the agency's activities under this part. Ex officio members of those task forces and advisory committees may include, but are not limited to, the Insurance Commissioner or his or her designee, the Director of Housing and Community Development or his or her designee, the Director of the Seismic Safety Commission or his or her designee, and the ~~Director Secretary of the Office of~~ *Emergency Services Emergency Management* or his or her designee.

SEC. 172. Section 101080.2 of the Health and Safety Code is amended to read:

101080.2. (a) The local health officer may issue, and first responders may execute, an order authorizing first responders to immediately isolate exposed individuals that may have been exposed to biological, chemical, toxic, or radiological agents that may spread to others. An order issued pursuant to this section shall not be in effect for a period longer than two hours and shall only be issued if the means are both necessary and the least restrictive possible to prevent human exposure.

(b) Before any implementation of the authority in subdivision (a), the local health officer shall establish a related memorandum of understanding with first responders in his or her jurisdiction that shall require consultation with the ~~Office of Emergency Services~~ *California Emergency Management Agency* operational area coordinator, consistent with the standardized emergency management system established pursuant to Section 8607 of the Government Code, and shall include where and how exposed subjects will be held pending decontamination in the local jurisdiction. That memorandum of understanding shall be made available to the public.

(c) A violation of an order issued by the local health officer and executed by a first responder pursuant to subdivision (a) is a misdemeanor, punishable by a fine of up to one thousand dollars (\$1000), or by imprisonment in the county jail for a period of up to 90 days, or by both.

SEC. 173. Section 105215 of the Health and Safety Code is amended to read:

1 105215. (a) Any public employee, as defined in Section 811.4
2 of the Government Code, whose responsibilities include matters
3 relating to health and safety, protection of the environment, or the
4 use or transportation of any pesticide and who knows, or has
5 reasonable cause to believe, that a pesticide has been spilled or
6 otherwise accidentally released, shall promptly notify the local
7 health officer or the notification point specified in the local
8 hazardous materials response plan, where the plan has been
9 approved by the ~~State Office of Emergency Services~~ *California*
10 *Emergency Management Agency* and is in operation. The operator
11 of the notification point shall immediately notify the local health
12 officer of the pesticide spill report.

13 (b) The local health officer shall immediately notify the county
14 agricultural commissioner and, at his or her discretion, shall
15 immediately notify the Director of Environmental Health Hazard
16 Assessment of each report received. Within seven days after receipt
17 of any report, the local health officer shall notify the Director of
18 Pesticide Regulation, the Director of Environmental Health Hazard
19 Assessment, and the Director of Industrial Relations, on a form
20 prescribed by the Director of Environmental Health Hazard
21 Assessment, of each case reported to him or her pursuant to this
22 section.

23 (c) The Office of Environmental Health Hazard Assessment
24 shall designate a phone number or numbers for use by local health
25 officers in the immediate notification of the office of a pesticide
26 spill report. The office shall from time to time establish criteria
27 for use by the local health officers in determining whether the
28 circumstances of a pesticide spill warrants the immediate
29 notification of the office.

30 SEC. 174. Section 114650 of the Health and Safety Code is
31 amended to read:

32 114650. (a) As used in this chapter, the following definitions
33 shall apply:

34 (1) "Agency" means the *California Emergency Management*
35 *Agency*.

36 ~~(1)~~
37 (2) "Department" means the State Department of Health
38 Services.

39 ~~(2)~~

1 (3) “Disburse or disbursement” means a payment in advance
2 from the Nuclear Planning Assessment Special Account, as
3 specified in paragraph (5) of subdivision (b) of Section 8610.5 of
4 the Government Code.

5 ~~(3)~~

6 (4) “Emergency planning zone” means a zone identified in state
7 and local government emergency plans where immediate decisions
8 for effective public protective action from radiation may be
9 necessary.

10 ~~(4)~~

11 (5) “Exercise” means an event that tests emergency plans and
12 organizations and that the Federal Emergency Management Agency
13 evaluates pursuant to Part 350 (commencing with Section 350.1)
14 of Subchapter E of Chapter I of Title 44 of the Code of Federal
15 Regulations.

16 ~~(5)~~

17 (6) “Ingestion pathway phase” means the period beginning after
18 any release of radioactive material from a nuclear powerplant
19 accident when the plume emergency phase has ceased, and reliable
20 environmental measurements are available for making decisions
21 on additional protective actions to protect the food chain. The main
22 concern is to prevent exposure from ingestion of contaminated
23 water or food, such as milk, fresh vegetables, or aquatic foodstuffs.

24 ~~(6)~~

25 (7) “Ingestion pathway zone” means the 50-mile radius around
26 each of the state’s nuclear powerplants in which protective actions
27 may be required to protect the food chain in the event of an
28 emergency.

29 ~~(7)~~

30 (8) “Interjurisdictional Planning Committee” means the planning
31 committee, comprised of representatives of the Counties of Orange
32 and San Diego, the Cities of Dana Point, San Clemente, and San
33 Juan Capistrano, the Camp Pendleton Marine Corps Base, the State
34 Department of Parks and Recreation, and the Southern California
35 Edison Company, established as a mechanism for coordinating
36 integrated preparedness and response in the event of an emergency
37 at the San Onofre Nuclear Generating Station.

38 ~~(8)~~

39 (9) “Local government” means a city or county that provides
40 emergency response for a nuclear powerplant emergency.

~~(9)~~

(10) “Local jurisdiction” means an entity that provides emergency response for a nuclear powerplant emergency in accordance with the plans of a local government.

~~(10) “Office” means the Office of Emergency Services.~~

(11) “Plume emergency phase” means the period beginning at the onset of an emergency at a nuclear powerplant when immediate decisions for public protective actions are needed.

(12) “Recovery phase” means the period when actions designed to reduce radiation levels in the environment to acceptable levels for unrestricted use are commenced, and ending when all recovery actions have been completed.

(13) “Site” means the location of a nuclear powerplant and its surrounding emergency planning zone.

SEC. 175. Section 114655 of the Health and Safety Code is amended to read:

114655. (a) The Legislature hereby finds and declares as follows:

(1) Existing law requires the development and maintenance of a nuclear powerplant emergency response program by state and local governments based on federal and state criteria.

(2) The ~~office~~ *agency*, in consultation with the department and the counties, has investigated the consequences of a serious nuclear powerplant accident and has established plume emergency phase and ingestion pathway phase planning zones for each site. These zones imply mutually supportive emergency planning and preparedness arrangements by all levels of government.

(3) An integrated emergency planning program is necessary for the benefit of the citizens within the planning zones.

(b) Nothing in this chapter limits the activities of any government in carrying out its general responsibilities pertaining to the public health and the safety aspects of emergency response.

SEC. 176. The heading of Article 2 (commencing with Section 114660) of Chapter 4 of Part 9 of Division 104 of the Health and Safety Code is amended to read:

Article 2. Responsibilities of the ~~Office of Emergency Services~~
California Emergency Management Agency

SEC. 177. Section 114660 of the Health and Safety Code is amended to read:

114660. (a) ~~The office~~ *agency* is responsible for the coordination and integration of all emergency planning programs and response plans under this chapter. If there is a nuclear powerplant accident, ~~the office~~ *agency* shall coordinate information and resources to support local governments in a joint state and local government decisionmaking process.

(b) ~~The office~~ *agency* shall perform all of the following duties and functions:

(1) Coordinate the activities of all state agencies relating to preparation and implementation of the State Nuclear Power Plant Emergency Response Plan. ~~The office~~ *agency* shall be the focal point for coordinating nuclear powerplant emergency preparedness activities with local governments, other state agencies, federal agencies, and other organizations.

(2) Exercise explicit ultimate authority for allocating funds from the Nuclear Planning Assessment Special Account to local governments.

(3) Coordinate and participate in exercises of the state's nuclear emergency response plan with each site during its federally evaluated exercise.

(4) Ensure that state personnel are adequately trained to respond in the event of an actual emergency. The exercises shall include the department and other relevant state agencies.

(5) In consultation with the department, review protective action recommendations developed by the utilities and local government representatives.

(6) Coordinate planning guidance to state agencies and local governments.

(7) Ensure the development and maintenance of the State Nuclear Power Plant Emergency Response Plan and procedures necessary to carry out those responsibilities and review and approve state agency plans in draft prior to publication.

(8) Exercise discretionary authority regarding the formation of interagency agreements with state agencies having local emergency responsibilities, to ensure state agencies have updated emergency plans and trained emergency response personnel to respond during the plume emergency phase.

1 ~~(9) Annually prepare and submit a report to any joint committee~~
2 ~~of the Legislature and the appropriate Senate and Assembly policy~~
3 ~~committees with jurisdiction over emergency and disaster services~~
4 ~~that summarizes all of the following:~~

5 ~~(A) A description of the purpose of all nuclear emergency~~
6 ~~response exercises in the state involving local and state authorities,~~
7 ~~including a description of state and local roles in each exercise.~~

8 ~~(B) An accounting of revenues from each utility and a~~
9 ~~description of expenditures of funds from the Nuclear Planning~~
10 ~~Assessment Special Account by each local government and the~~
11 ~~state.~~

12 ~~(C) A description of all nuclear emergency response training~~
13 ~~and education efforts undertaken by the state and local agencies,~~
14 ~~and identification of any additional training and educational needs.~~

15 ~~(D) Recommendations consistent with this chapter.~~

16 ~~(10)~~

17 (9) Conduct a study similar to that described in Section 8610.3
18 of the Government Code, for any nuclear powerplant with a
19 generating capacity of 50 megawatts or more that is proposed for
20 licensing in this state.

21 SEC. 178. Section 114790 of the Health and Safety Code is
22 amended to read:

23 114790. The information transmitted to the radiation monitoring
24 displays in the technical support center or emergency operating
25 facility of a nuclear powerplant shall be simultaneously transmitted
26 to the ~~Office of Emergency Services~~ *California Emergency*
27 *Management Agency* State Warning Center.

28 SEC. 179. Section 114820 of the Health and Safety Code is
29 amended to read:

30 114820. (a) The department, with the assistance of the ~~Office~~
31 ~~of Emergency Services~~ *California Emergency Management*
32 *Agency*, the State Energy Resources Conservation and
33 Development Commission, and the Department of the California
34 Highway Patrol shall, with respect to any fissile radioactive
35 material coming within the definition of “fissile class II,” “fissile
36 class III,” “large quantity radioactive materials,” or “low-level
37 radioactive waste” provided by the regulations of the United States
38 Department of Transportation (49 C.F.R. 173.389), do all of the
39 following:

1 (1) Study the adequacy of current packaging requirements for
2 radioactive materials.

3 (2) Study the effectiveness of special routing and timing of
4 radioactive materials shipments for the protection of the public
5 health.

6 (3) Study the advantages of establishing a tracking system for
7 shipments of most hazardous radioactive materials.

8 (b) The department, with the assistance of the ~~Office of~~
9 ~~Emergency Services~~ *California Emergency Management Agency*,
10 the State Energy Resources Conservation and Development
11 Commission, and the Department of the California Highway Patrol,
12 shall extend the nuclear threat emergency response plan to include
13 radioactive materials in transit and provide training for law
14 enforcement officers in dealing with those threats.

15 (c) Subject to Section 114765, the department, in cooperation
16 with the Department of the California Highway Patrol, shall adopt,
17 in accordance with Chapter 3.5 (commencing with Section 11340)
18 of Part 1 of Division 3 of Title 2 of the Government Code,
19 reasonable regulations that, in the judgment of the department,
20 promote the safe transportation of radioactive materials. The
21 regulations shall (1) prescribe the use of signs designating
22 radioactive material cargo; shall designate, in accordance with the
23 results of the studies done pursuant to subdivision (a), the manner
24 in which the shipper shall give notice of the shipment to appropriate
25 authorities; (2) prescribe the packing, marking, loading, and
26 handling of radioactive materials, and the precautions necessary
27 to determine whether the material when offered is in proper
28 condition to transport, but shall not include the equipment and
29 operation of the carrier vehicle; and (3) be reviewed and amended,
30 as required, pursuant to Section 114765. The regulations shall be
31 compatible with those established by the federal agency or agencies
32 required or permitted by federal law to establish the regulations.

33 (d) Subject to Section 114765, the Department of the California
34 Highway Patrol, after consulting with the department, shall adopt
35 regulations specifying the time at which shipments may occur and
36 the routes that are to be used in the transportation of cargoes of
37 hazardous radioactive materials, as those materials are defined in
38 regulations of the department.

39 SEC. 180. Section 115280 of the Health and Safety Code is
40 amended to read:

1 115280. (a) Each privately-owned and publicly-owned public
2 utility operating a nuclear powerplant with a generating capacity
3 of 50 megawatts or more shall install an automated alert system
4 that will activate alarms in the California State Warning Center of
5 the ~~Office of Emergency Services~~ *California Emergency*
6 *Management Agency* in a manner to be determined by the ~~Office~~
7 ~~of Emergency Services~~ *agency* in consultation with the department
8 and the appropriate county emergency services agency. This
9 automated alert system shall duplicate the following alarms in the
10 control rooms of each nuclear powerplant:

11 (1) Safety injection actuation (operation of the emergency core
12 cooling system).

13 (2) High radiation alarm of the radioactive gas effluent stack
14 monitor.

15 (b) The automated alert system shall be operative within 12
16 months of the effective date of this chapter.

17 (c) In no event shall the capital costs of complying with this
18 section exceed two hundred thousand dollars (\$200,000) per
19 nuclear powerplant. The operator of each nuclear powerplant shall
20 be responsible for any maintenance or recurring charges. The funds
21 expended by privately owned utilities under this section shall be
22 allowed for ratemaking purposes by the Public Utilities
23 Commission. Publicly owned public utilities shall include funds
24 expended under this section in their rates.

25 (d) The automated alert system shall be operational whenever
26 corresponding alarms in the control rooms of each nuclear
27 powerplant are required to be operational under the terms of the
28 operating license issued by the Nuclear Regulatory Commission,
29 except for periods of time required for maintenance, repair,
30 calibration, or testing.

31 (e) Nothing in this section shall require plant modifications or
32 the conduct of operations that may be in conflict with conditions
33 of a license to operate issued by the Nuclear Regulatory
34 Commission or other activities authorized by the Nuclear
35 Regulatory Commission.

36 (f) The ~~Office of Emergency Services~~ *California Emergency*
37 *Management Agency* shall make provision for immediate
38 notification of appropriate local officials upon activation of the
39 automated alert system pursuant to this section.

1 SEC. 181. Section 115295 of the Health and Safety Code is
2 amended to read:

3 115295. If the Humboldt Bay Nuclear Generating Station is
4 not in operation on the effective date of this section, the local
5 emergency plan for it shall not be required to meet the revised
6 emergency response plan requirements of Section 8610.5 of the
7 Government Code until the Nuclear Regulatory Commission
8 determines that the powerplant meets Nuclear Regulatory
9 Commission seismic safety criteria, or until the Nuclear Regulatory
10 Commission issues an order rescinding the restrictions imposed
11 on the Humboldt Bay Nuclear Generating Station in its order of
12 May 21, 1976.

13 In the event that the Nuclear Regulatory Commission determines
14 that the Humboldt Bay Nuclear Generating Station meets Nuclear
15 Regulatory Commission seismic safety standards, or issues an
16 order rescinding the restrictions in its order of May 21, 1976, a
17 draft county emergency plan meeting the requirements of Section
18 8610.5 of the Government Code shall be submitted to the ~~Office~~
19 ~~of Emergency Services~~ *California Emergency Management Agency*
20 for review within 180 days of the determination or rescission.
21 Within 90 days after submission of the draft county emergency
22 plan, approval of a final plan shall be completed by the ~~Office of~~
23 ~~Emergency Services~~ *California Emergency Management Agency*.

24 SEC. 182. Section 115340 of the Health and Safety Code is
25 amended to read:

26 115340. (a) The State Department of Health Services shall
27 work with the KI working group, which is coordinated by the
28 ~~Office of Emergency Services~~ *California Emergency Management*
29 *Agency*, to establish and implement a program to oversee the
30 distribution of potassium iodide (KI) tablets to all persons who
31 reside, work, visit, or attend school within the state-designated
32 emergency planning zone of an operational nuclear powerplant,
33 in order to provide protection to members of the public in the event
34 of an accident causing leakage of radioactive iodine, pursuant to
35 the offer of the Nuclear Regulatory Commission to provide the
36 state with a supply of KI tablets.

37 (b) In order to implement the program required by subdivision
38 (a), the department, in consultation with local health departments
39 and local emergency management agencies, shall develop and
40 implement a plan for both of the following:

1 (1) The prompt distribution of the tablets to persons at risk in
2 the event of a nuclear emergency, in a manner to best protect the
3 public health.

4 (2) The dissemination of instructions on the use of the tablets,
5 including the possible need for medical consultation, if indicated.

6 (c) The department shall work with the KI working group
7 described in subdivision (a) to develop and implement a plan and
8 method for the efficient storage of KI tablets.

9 (d) The department, in consultation with the KI working group,
10 shall evaluate areas in the state, other than those described in
11 subdivision (a), in which leakage of radioactive iodine is possible,
12 and evaluate the need to store quantities of KI tablets in those
13 areas.

14 (e) No later than July 1, 2004, the department shall submit a
15 plan to the Governor and the Legislature on the establishment and
16 implementation of the program required pursuant to subdivisions
17 (a) and (b), and on the development and implementation of the
18 plan and method required in subdivision (c). No later than July 1,
19 2004, the department shall also submit to the Governor and the
20 Legislature the evaluation required in subdivision (d).

21 SEC. 183. Section 124174.2 of the Health and Safety Code is
22 amended to read:

23 124174.2. (a) The department, in cooperation with the State
24 Department of Education, shall establish a Public School Health
25 Center Support Program.

26 (b) The program, in collaboration with the State Department of
27 Education, shall perform the following program functions:

28 (1) Provide technical assistance to school health centers on
29 effective outreach and enrollment strategies to identify children
30 who are eligible for, but not enrolled in, the Medi-Cal program,
31 the Healthy Families Program, or any other applicable program.

32 (2) Serve as a liaison between organizations within the
33 department, including, but not limited to, prevention services,
34 primary care, and family health.

35 (3) Serve as a liaison between other state entities, as appropriate,
36 including, but not limited to, the State Department of Health Care
37 Services, the State Department of Mental Health, the State
38 Department of Alcohol and Drug Programs, the Department of
39 Managed Health Care, the ~~Office of Emergency Services~~ *California*

1 *Emergency Management Agency*, and the Managed Risk Medical
2 Insurance Board.

3 (4) Provide technical assistance to facilitate and encourage the
4 establishment, retention, or expansion of, school health centers.
5 For purposes of this paragraph, technical assistance may include,
6 but is not limited to, identifying available public and private
7 sources of funding, which may include federal Medicaid funds,
8 funds from third-party reimbursements, and available federal or
9 foundation grant moneys.

10 (c) The department shall consult with interested parties and
11 appropriate stakeholders, including the California School Health
12 Centers Association and representatives of youth and parents, in
13 carrying out its responsibilities under this article.

14 SEC. 184. Section 130055 of the Health and Safety Code is
15 amended to read:

16 130055. Within 60 days following the office's approval of the
17 report submitted pursuant to subdivision (b) of Section 130050,
18 general acute hospital building owners shall do all of the following:

19 (a) Inform the local office of emergency services or the
20 equivalent agency, the ~~California Office of Emergency Services~~
21 *Emergency Management Agency*, and the office, of each building's
22 expected earthquake performance.

23 (b) Include all pertinent information regarding the building's
24 expected earthquake performance in emergency training, response,
25 and recovery plans.

26 (c) Include all pertinent information regarding the building's
27 expected earthquake performance in capital outlay plans.

28 SEC. 185. Section 16020 of the Insurance Code is amended
29 to read:

30 16020. The commissioner, in consultation with the ~~Office of~~
31 ~~Emergency Services~~ *California Emergency Management Agency*
32 and other emergency service agencies, shall establish a method
33 for identification of representatives of insurers.

34 SEC. 186. Section 16030 of the Insurance Code is amended
35 to read:

36 16030. (a) The commissioner, in cooperation with insurers,
37 the ~~Office of Emergency Services~~ *California Emergency*
38 *Management Agency*, and other emergency service agencies, shall
39 establish procedures for the coordination of efforts between insurers
40 and their representatives and those of emergency response agencies.

1 (b) The commissioner shall assign a representative of the
2 commissioner to work within the state's regional emergency
3 operations centers. The representative shall complete the
4 appropriate Standardized Emergency Management Systems
5 training.

6 (c) All insurance disaster assessment team members shall
7 complete the appropriate Standardized Emergency Management
8 Systems training.

9 SEC. 187. Section 3211.91 of the Labor Code is amended to
10 read:

11 3211.91. "Accredited disaster council" means a disaster council
12 that is certified by the ~~Office of Emergency Services~~ *California*
13 *Emergency Management Agency* as conforming with the rules and
14 regulations established by the office pursuant to Article 10
15 (commencing with Section 8610) of Chapter 7 of Division 1 of
16 Title 2 of the Government Code. A disaster council remains
17 accredited only while the certification of the ~~Office of Emergency~~
18 ~~Services~~ *California Emergency Management Agency* is in effect
19 and is not revoked.

20 SEC. 188. Section 3212.1 of the Labor Code is amended to
21 read:

22 3212.1. (a) This section applies to all of the following:

23 (1) Active firefighting members, whether volunteers, partly
24 paid, or fully paid, of all of the following fire departments:

25 (A) A fire department of a city, county, city and county, district,
26 or other public or municipal corporation or political subdivision.

27 (B) A fire department of the University of California and the
28 California State University.

29 (C) The Department of Forestry and Fire Protection.

30 (D) A county forestry or firefighting department or unit.

31 (2) Active firefighting members of a fire department that serves
32 a United States Department of Defense installation and who are
33 certified by the Department of Defense as meeting its standards
34 for firefighters.

35 (3) Peace officers, as defined in Section 830.1, subdivision (a)
36 of Section 830.2, and subdivisions (a) and (b) of Section 830.37,
37 of the Penal Code, who are primarily engaged in active law
38 enforcement activities.

1 (4) (A) Fire and rescue services coordinators who work for the
2 ~~Office of Emergency Services~~ *California Emergency Management*
3 *Agency*.

4 (B) For purposes of this paragraph, “fire and rescue services
5 coordinator” means a coordinator with any of the following job
6 classifications: coordinator, senior coordinator, or chief
7 coordinator.

8 (b) The term “injury,” as used in this division, includes cancer,
9 including leukemia, that develops or manifests itself during a period
10 in which any member described in subdivision (a) is in the service
11 of the department or unit, if the member demonstrates that he or
12 she was exposed, while in the service of the department or unit,
13 to a known carcinogen as defined by the International Agency for
14 Research on Cancer, or as defined by the director.

15 (c) The compensation that is awarded for cancer shall include
16 full hospital, surgical, medical treatment, disability indemnity, and
17 death benefits, as provided by this division.

18 (d) The cancer so developing or manifesting itself in these cases
19 shall be presumed to arise out of and in the course of the
20 employment. This presumption is disputable and may be
21 controverted by evidence that the primary site of the cancer has
22 been established and that the carcinogen to which the member has
23 demonstrated exposure is not reasonably linked to the disabling
24 cancer. Unless so controverted, the appeals board is bound to find
25 in accordance with the presumption. This presumption shall be
26 extended to a member following termination of service for a period
27 of three calendar months for each full year of the requisite service,
28 but not to exceed 60 months in any circumstance, commencing
29 with the last date actually worked in the specified capacity.

30 (e) The amendments to this section enacted during the 1999
31 portion of the 1999–2000 Regular Session shall be applied to
32 claims for benefits filed or pending on or after January 1, 1997,
33 including, but not limited to, claims for benefits filed on or after
34 that date that have previously been denied, or that are being
35 appealed following denial.

36 SEC. 189. Section 4350 of the Labor Code is amended to read:
37 4350. ~~The Office of Emergency Services~~ *California Emergency*
38 *Management Agency* shall administer this chapter as it relates to
39 volunteer disaster service workers.

1 SEC. 190. Section 433.5 of the Military and Veterans Code is
2 amended to read:

3 433.5. All state armories may be used for emergency purposes
4 on such terms and conditions as shall be mutually agreeable to the
5 Military Department and the ~~Office of Emergency Services~~
6 *California Emergency Management Agency*.

7 SEC. 191. Section 273.82 of the Penal Code is amended to
8 read:

9 273.82. Spousal abuser prosecution units receiving funds under
10 this chapter shall concentrate enhanced prosecution efforts and
11 resources upon individuals identified under selection criteria set
12 forth in Section 273.83. Enhanced prosecution efforts and resources
13 shall include, but not be limited to, all of the following:

14 (a) (1) Vertical prosecutorial representation, whereby the
15 prosecutor who, or prosecution unit that, makes all major court
16 appearances on that particular case through its conclusion,
17 including bail evaluation, preliminary hearing, significant law and
18 motion litigation, trial, and sentencing.

19 (2) Vertical counselor representation, whereby a trained
20 domestic violence counselor maintains liaison from initial court
21 appearances through the case's conclusion, including the sentencing
22 phase.

23 (b) The assignment of highly qualified investigators and
24 prosecutors to spousal abuser cases. "Highly qualified" for the
25 purposes of this chapter means any of the following:

26 (1) Individuals with one year of experience in the investigation
27 and prosecution of felonies.

28 (2) Individuals with at least two years of experience in the
29 investigation and prosecution of misdemeanors.

30 (3) Individuals who have attended a program providing domestic
31 violence training as approved by the ~~agency or agencies designated~~
32 ~~by the Director of Finance pursuant to Section 13820~~ *California*
33 *Emergency Management Agency* or the Department of Justice.

34 (c) A significant reduction of caseloads for investigators and
35 prosecutors assigned to spousal abuser cases.

36 (d) Coordination with local rape victim counseling centers,
37 spousal abuse services programs, and victim-witness assistance
38 programs. That coordination shall include, but not be limited to:
39 referrals of individuals to receive client services; participation in
40 local training programs; membership and participation in local

1 task forces established to improve communication between criminal
2 justice system agencies and community service agencies; and
3 cooperating with individuals serving as liaison representatives of
4 local rape victim counseling centers, spousal abuse victim
5 programs, and victim-witness assistance programs.

6 SEC. 192. Section 830.3 of the Penal Code is amended to read:

7 830.3. The following persons are peace officers whose authority
8 extends to any place in the state for the purpose of performing
9 their primary duty or when making an arrest pursuant to Section
10 836 of the Penal Code as to any public offense with respect to
11 which there is immediate danger to person or property, or of the
12 escape of the perpetrator of that offense, or pursuant to Section
13 8597 or 8598 of the Government Code. These peace officers may
14 carry firearms only if authorized and under those terms and
15 conditions as specified by their employing agencies:

16 (a) Persons employed by the Division of Investigation of the
17 Department of Consumer Affairs and investigators of the Medical
18 Board of California and the Board of Dental Examiners, who are
19 designated by the Director of Consumer Affairs, provided that the
20 primary duty of these peace officers shall be the enforcement of
21 the law as that duty is set forth in Section 160 of the Business and
22 Professions Code.

23 (b) Voluntary fire wardens designated by the Director of
24 Forestry and Fire Protection pursuant to Section 4156 of the Public
25 Resources Code, provided that the primary duty of these peace
26 officers shall be the enforcement of the law as that duty is set forth
27 in Section 4156 of that code.

28 (c) Employees of the Department of Motor Vehicles designated
29 in Section 1655 of the Vehicle Code, provided that the primary
30 duty of these peace officers shall be the enforcement of the law as
31 that duty is set forth in Section 1655 of that code.

32 (d) Investigators of the California Horse Racing Board
33 designated by the board, provided that the primary duty of these
34 peace officers shall be the enforcement of Chapter 4 (commencing
35 with Section 19400) of Division 8 of the Business and Professions
36 Code and Chapter 10 (commencing with Section 330) of Title 9
37 of Part 1 of this code.

38 (e) The State Fire Marshal and assistant or deputy state fire
39 marshals appointed pursuant to Section 13103 of the Health and
40 Safety Code, provided that the primary duty of these peace officers

1 shall be the enforcement of the law as that duty is set forth in
2 Section 13104 of that code.

3 (f) Inspectors of the food and drug section designated by the
4 chief pursuant to subdivision (a) of Section 106500 of the Health
5 and Safety Code, provided that the primary duty of these peace
6 officers shall be the enforcement of the law as that duty is set forth
7 in Section 106500 of that code.

8 (g) All investigators of the Division of Labor Standards
9 Enforcement designated by the Labor Commissioner, provided
10 that the primary duty of these peace officers shall be the
11 enforcement of the law as prescribed in Section 95 of the Labor
12 Code.

13 (h) All investigators of the State Departments of Health Care
14 Services, Public Health, Social Services, Mental Health, and
15 Alcohol and Drug Programs, the Department of Toxic Substances
16 Control, the Office of Statewide Health Planning and Development,
17 and the Public Employees' Retirement System, provided that the
18 primary duty of these peace officers shall be the enforcement of
19 the law relating to the duties of his or her department or office.
20 Notwithstanding any other provision of law, investigators of the
21 Public Employees' Retirement System shall not carry firearms.

22 (i) The Chief of the Bureau of Fraudulent Claims of the
23 Department of Insurance and those investigators designated by the
24 chief, provided that the primary duty of those investigators shall
25 be the enforcement of Section 550.

26 (j) Employees of the Department of Housing and Community
27 Development designated under Section 18023 of the Health and
28 Safety Code, provided that the primary duty of these peace officers
29 shall be the enforcement of the law as that duty is set forth in
30 Section 18023 of that code.

31 (k) Investigators of the office of the Controller, provided that
32 the primary duty of these investigators shall be the enforcement
33 of the law relating to the duties of that office. Notwithstanding any
34 other law, except as authorized by the Controller, the peace officers
35 designated pursuant to this subdivision shall not carry firearms.

36 (l) Investigators of the Department of Corporations designated
37 by the Commissioner of Corporations, provided that the primary
38 duty of these investigators shall be the enforcement of the
39 provisions of law administered by the Department of Corporations.

1 Notwithstanding any other provision of law, the peace officers
2 designated pursuant to this subdivision shall not carry firearms.

3 (m) Persons employed by the Contractors' State License Board
4 designated by the Director of Consumer Affairs pursuant to Section
5 7011.5 of the Business and Professions Code, provided that the
6 primary duty of these persons shall be the enforcement of the law
7 as that duty is set forth in Section 7011.5, and in Chapter 9
8 (commencing with Section 7000) of Division 3, of that code. The
9 Director of Consumer Affairs may designate as peace officers not
10 more than three persons who shall at the time of their designation
11 be assigned to the special investigations unit of the board.
12 Notwithstanding any other provision of law, the persons designated
13 pursuant to this subdivision shall not carry firearms.

14 (n) ~~The Chief and coordinators of the Law Enforcement Division~~
15 ~~of the Office of Emergency Services~~ *Branch of the California*
16 *Emergency Management Agency.*

17 (o) Investigators of the office of the Secretary of State designated
18 by the Secretary of State, provided that the primary duty of these
19 peace officers shall be the enforcement of the law as prescribed
20 in Chapter 3 (commencing with Section 8200) of Division 1 of
21 Title 2 of, and Section 12172.5 of, the Government Code.
22 Notwithstanding any other provision of law, the peace officers
23 designated pursuant to this subdivision shall not carry firearms.

24 (p) The Deputy Director for Security designated by Section
25 8880.38 of the Government Code, and all lottery security personnel
26 assigned to the California State Lottery and designated by the
27 director, provided that the primary duty of any of those peace
28 officers shall be the enforcement of the laws related to assuring
29 the integrity, honesty, and fairness of the operation and
30 administration of the California State Lottery.

31 (q) Investigators employed by the Investigation Division of the
32 Employment Development Department designated by the director
33 of the department, provided that the primary duty of those peace
34 officers shall be the enforcement of the law as that duty is set forth
35 in Section 317 of the Unemployment Insurance Code.

36 Notwithstanding any other provision of law, the peace officers
37 designated pursuant to this subdivision shall not carry firearms.

38 (r) The chief and assistant chief of museum security and safety
39 of the California Science Center, as designated by the executive
40 director pursuant to Section 4108 of the Food and Agricultural

Code, provided that the primary duty of those peace officers shall be the enforcement of the law as that duty is set forth in Section 4108 of the Food and Agricultural Code.

(s) Employees of the Franchise Tax Board designated by the board, provided that the primary duty of these peace officers shall be the enforcement of the law as set forth in Chapter 9 (commencing with Section 19701) of Part 10.2 of Division 2 of the Revenue and Taxation Code.

(t) Notwithstanding any other provision of this section, a peace officer authorized by this section shall not be authorized to carry firearms by his or her employing agency until that agency has adopted a policy on the use of deadly force by those peace officers, and until those peace officers have been instructed in the employing agency's policy on the use of deadly force.

Every peace officer authorized pursuant to this section to carry firearms by his or her employing agency shall qualify in the use of the firearms at least every six months.

(u) Investigators of the Department of Managed Health Care designated by the Director of the Department of Managed Health Care, provided that the primary duty of these investigators shall be the enforcement of the provisions of laws administered by the Director of the Department of Managed Health Care. Notwithstanding any other provision of law, the peace officers designated pursuant to this subdivision shall not carry firearms.

(v) The Chief, Deputy Chief, supervising investigators, and investigators of the Office of Protective Services of the State Department of Developmental Services, provided that the primary duty of each of those persons shall be the enforcement of the law relating to the duties of his or her department or office.

SEC. 193. Section 999c of the Penal Code is amended to read:

999c. (a) There is hereby established in the ~~agency or agencies designated by the Director of Finance pursuant to Section 13820~~ *California Emergency Management Agency* a program of financial and technical assistance for district attorneys' offices, designated the California Career Criminal Prosecution Program. All funds appropriated to the ~~agency or agencies designated by the Director of Finance pursuant to Section 13820~~ for the purposes of this chapter shall be administered and disbursed by the executive director of that ~~agency or agencies~~ in consultation with the California Council on Criminal Justice, and shall to the greatest

1 extent feasible be coordinated or consolidated with federal funds
2 that may be made available for these purposes.

3 (b) ~~The executive director of that agency or agencies~~ *Secretary*
4 *of the California Emergency Management Agency* is authorized
5 to allocate and award funds to counties in which career criminal
6 prosecution units are established in substantial compliance with
7 the policies and criteria set forth below in Sections 999d, 999e,
8 999f, and 999g.

9 (c) The allocation and award of funds shall be made upon
10 application executed by the county's district attorney and approved
11 by its board of supervisors. Funds disbursed under this chapter
12 shall not supplant local funds that would, in the absence of the
13 California Career Criminal Prosecution Program, be made available
14 to support the prosecution of felony cases. Funds available under
15 this program shall not be subject to review as specified in Section
16 14780 of the Government Code.

17 SEC. 194. Section 999j of the Penal Code is amended to read:

18 999j. (a) There is hereby established in the ~~agency or agencies~~
19 ~~designated by the Director of Finance pursuant to Section 13820~~
20 *California Emergency Management Agency* a program of financial
21 and technical assistance for district attorneys' offices, designated
22 the Repeat Sexual Offender Prosecution Program. All funds
23 appropriated to the ~~agency or agencies designated by the Director~~
24 ~~of Finance pursuant to Section 3820~~ for the purposes of this chapter
25 shall be administered and disbursed by the ~~executive director of~~
26 ~~that agency or agencies~~ *secretary of the agency*, and shall to the
27 greatest extent feasible, be coordinated or consolidated with any
28 federal or local funds that may be made available for these
29 purposes.

30 ~~The agency or agencies designated by the Director of Finance~~
31 ~~pursuant to Section 13820~~ *California Emergency Management*
32 *Agency* shall establish guidelines for the provision of grant awards
33 to proposed and existing programs prior to the allocation of funds
34 under this chapter. These guidelines shall contain the criteria for
35 the selection of agencies to receive funding, as developed in
36 consultation with an advisory group to be known as the Repeat
37 Sexual Offender Prosecution Program Steering Committee. The
38 membership of the Steering Committee shall be designated by the
39 ~~Executive Director~~ *secretary* of the ~~agency or agencies designated~~
40 ~~by the Director of Finance pursuant to Section 13820.~~

1 A draft of the guidelines shall be developed and submitted to
2 the Chairpersons of the Assembly Criminal Law and Public Safety
3 Committee and the Senate Judiciary Committee within 60 days of
4 the effective date of this chapter and issued within 90 days of the
5 same effective date. These guidelines shall set forth the terms and
6 conditions upon which the agency or agencies designated by the
7 ~~Director of Finance pursuant to Section 13820~~ *California*
8 *Emergency Management Agency* is prepared to offer grants
9 pursuant to statutory authority. The guidelines shall not constitute
10 rules, regulations, orders, or standards of general application.

11 (b) ~~The executive director~~ *Secretary of the California Emergency*
12 *Management Agency* is authorized to allocate and award funds to
13 counties in which repeat sexual offender prosecution units are
14 established or are proposed to be established in substantial
15 compliance with the policies and criteria set forth below in Sections
16 999k, 999l, and 999m.

17 (c) The allocation and award of funds shall be made upon
18 application executed by the county's district attorney and approved
19 by its board of supervisors. Funds disbursed under this chapter
20 shall not supplant local funds that would, in the absence of the
21 California Repeat Sexual Offender Prosecution Program, be made
22 available to support the prosecution of repeat sexual offender
23 felony cases. Local grant awards made under this program shall
24 not be subject to review as specified in Section 14780 of the
25 Government Code.

26 SEC. 195. Section 999k of the Penal Code is amended to read:

27 999k. Repeat sexual offender prosecution units receiving funds
28 under this chapter shall concentrate enhanced prosecution efforts
29 and resources upon individuals identified under selection criteria
30 set forth in Section 999l. Enhanced prosecution efforts and
31 resources shall include, but not be limited to:

32 (a) Vertical prosecutorial representation, whereby the prosecutor
33 who makes the initial filing or appearance in a repeat sexual
34 offender case will perform all subsequent court appearances on
35 that particular case through its conclusion, including the sentencing
36 phase.

37 (b) The assignment of highly qualified investigators and
38 prosecutors to repeat sexual offender cases. "Highly qualified" for
39 the purposes of this chapter shall be defined as: (1) individuals
40 with one year of experience in the investigation and prosecution

1 of felonies or specifically the felonies listed in subdivision (a) of
2 Section 999l; or (2) individuals whom the district attorney has
3 selected to receive training as set forth in Section 13836; or (3)
4 individuals who have attended a program providing equivalent
5 training as approved by the ~~agency or agencies designated by the~~
6 ~~Director of Finance pursuant to Section 13820~~ *California*
7 *Emergency Management Agency*.

8 (c) A significant reduction of caseloads for investigators and
9 prosecutors assigned to repeat sexual offender cases.

10 (d) Coordination with local rape victim counseling centers, child
11 abuse services programs, and victim witness assistance programs.
12 Coordination shall include, but not be limited to: referrals of
13 individuals to receive client services; participation in local training
14 programs; membership and participation in local task forces
15 established to improve communication between criminal justice
16 system agencies and community service agencies; and cooperating
17 with individuals serving as liaison representatives of local rape
18 victim counseling centers and victim witness assistance programs.

19 SEC. 196. Section 999n of the Penal Code is amended to read:

20 999n. (a) The selection criteria set forth in Section 999l shall
21 be adhered to for each repeat sexual offender case unless, in the
22 reasonable exercise of prosecutor's discretion, extraordinary
23 circumstances require departure from those policies in order to
24 promote the general purposes and intent of this chapter.

25 (b) Each district attorney's office establishing a repeat sexual
26 offender prosecution unit and receiving state support under this
27 chapter shall submit the following information, on a quarterly
28 basis, to the ~~agency or agencies designated by the Director of~~
29 ~~Finance pursuant to Section 13820~~ *California Emergency*
30 *Management Agency*:

31 (1) The number of sexual assault cases referred to the district
32 attorney's office for possible filing.

33 (2) The number of sexual assault cases filed for felony
34 prosecution.

35 (3) The number of sexual assault cases taken to trial.

36 (4) The percentage of sexual assault cases tried which resulted
37 in conviction.

38 SEC. 197. Section 999p of the Penal Code is amended to read:

39 999p. The ~~agency or agencies designated by the Director of~~
40 ~~Finance pursuant to Section 13820~~ *California Emergency*

1 *Management Agency* is encouraged to utilize any federal funds
2 which may become available in order to implement the provisions
3 of this chapter.

4 SEC. 198. Section 999r of the Penal Code is amended to read:

5 999r. (a) There is hereby established in the ~~agency or agencies~~
6 ~~designated by the Director of Finance pursuant to Section 13820~~
7 *California Emergency Management Agency* a program of financial
8 and technical assistance for district attorneys' offices, designated
9 the Child Abuser Prosecution Program. All funds appropriated to
10 the ~~agency or agencies designated by the Director of Finance~~
11 ~~pursuant to Section 13820~~ for the purposes of this chapter shall be
12 administered and disbursed by the executive director of that agency
13 or agencies, and shall to the greatest extent feasible, be coordinated
14 or consolidated with any federal or local funds that may be made
15 available for these purposes.

16 ~~The agency or agencies designated by the Director of Finance~~
17 ~~pursuant to Section 13820~~ *California Emergency Management*
18 *Agency* shall establish guidelines for the provision of grant awards
19 to proposed and existing programs prior to the allocation of funds
20 under this chapter. These guidelines shall contain the criteria for
21 the selection of agencies to receive funding and the terms and
22 conditions upon which the ~~agency or agencies designated by the~~
23 ~~Director of Finance pursuant to Section 13820~~ is prepared to offer
24 grants pursuant to statutory authority. The guidelines shall not
25 constitute rules, regulations, orders, or standards of general
26 application. The guidelines shall be submitted to the appropriate
27 policy committees of the Legislature prior to their adoption.

28 (b) ~~The executive director~~ *Secretary of Emergency Management*
29 is authorized to allocate and award funds to counties in which child
30 abuser offender prosecution units are established or are proposed
31 to be established in substantial compliance with the policies and
32 criteria set forth below in Sections 999s, 999t, and 999u.

33 (c) The allocation and award of funds shall be made upon
34 application executed by the county's district attorney and approved
35 by its board of supervisors. Funds disbursed under this chapter
36 shall not supplant local funds that would, in the absence of the
37 California Child Abuser Prosecution Program, be made available
38 to support the prosecution of child abuser felony cases. Local grant
39 awards made under this program shall not be subject to review as
40 specified in Section 14780 of the Government Code.

1 SEC. 199. Section 999s of the Penal Code is amended to read:
2 999s. Child abuser prosecution units receiving funds under this
3 chapter shall concentrate enhanced prosecution efforts and
4 resources upon individuals identified under selection criteria set
5 forth in Section 999t. Enhanced prosecution efforts and resources
6 shall include, but not be limited to:

7 (a) Vertical prosecutorial representation, whereby the prosecutor
8 who, or prosecution unit which, makes the initial filing or
9 appearance in a case performs all subsequent court appearances
10 on that particular case through its conclusion, including the
11 sentencing phase.

12 (b) The assignment of highly qualified investigators and
13 prosecutors to child abuser cases. "Highly qualified" for the
14 purposes of this chapter means: (1) individuals with one year of
15 experience in the investigation and prosecution of felonies or
16 specifically the felonies listed in subdivision (a) of Section 999l
17 or 999t; or (2) individuals whom the district attorney has selected
18 to receive training as set forth in Section 13836; or (3) individuals
19 who have attended a program providing equivalent training as
20 approved by the agency or agencies designated by the Director of
21 Finance pursuant to Section 13820 *California Emergency*
22 *Management Agency*.

23 (c) A significant reduction of caseloads for investigators and
24 prosecutors assigned to child abuser cases.

25 (d) Coordination with local rape victim counseling centers, child
26 abuse services programs, and victim witness assistance programs.
27 That coordination shall include, but not be limited to: referrals of
28 individuals to receive client services; participation in local training
29 programs; membership and participation in local task forces
30 established to improve communication between criminal justice
31 system agencies and community service agencies; and cooperating
32 with individuals serving as liaison representatives of child abuse
33 and child sexual abuse programs, local rape victim counseling
34 centers and victim witness assistance programs.

35 SEC. 200. Section 999v of the Penal Code is amended to read:

36 999v. (a) The selection criteria set forth in Section 999t shall
37 be adhered to for each child abuser case unless, in the reasonable
38 exercise of prosecutor's discretion, extraordinary circumstances
39 require departure from those policies in order to promote the
40 general purposes and intent of this chapter.

(b) Each district attorney's office establishing a child abuser prosecution unit and receiving state support under this chapter shall submit the following information, on a quarterly basis, to the agency or agencies designated by the Director of Finance pursuant to Section 13820 *California Emergency Management Agency*:

(1) The number of child abuser cases referred to the district attorney's office for possible filing.

(2) The number of child abuser cases filed for felony prosecution.

(3) The number of sexual assault cases taken to trial.

(4) The number of child abuser cases tried which resulted in conviction.

SEC. 201. Section 999x of the Penal Code is amended to read:

~~999x. The agency or agencies designated by the Director of Finance pursuant to Section 13820 *California Emergency Management Agency*~~ is encouraged to utilize any federal funds which may become available in order to implement the provisions of this chapter.

SEC. 202. Section 999y of the Penal Code is amended to read:

~~999y. The agency or agencies designated by the Director of Finance pursuant to Section 13820 *California Emergency Management Agency*~~ shall report annually to the Legislature concerning the program established by this chapter. The agency ~~or agencies designated by the Director of Finance pursuant to Section 13820~~ shall prepare and submit to the Legislature on or before December 15, 2002, and within six months of the completion of subsequent funding cycles for this program, an evaluation of the Child Abuser Prosecution Program. This evaluation shall identify outcome measures to determine the effectiveness of the programs established under this chapter, which shall include, but not be limited to, both of the following, to the extent that data is available:

(a) Child abuse conviction rates of Child Abuser Prosecution Program units compared to those of nonfunded counties.

(b) Quantification of the annual per capita costs of the Child Abuser Prosecution Program compared to the costs of prosecuting child abuse crimes in nonfunded counties.

SEC. 203. Section 1174.2 of the Penal Code is amended to read:

1 1174.2. (a) Notwithstanding any other law, the unencumbered
2 balance of Item 5240-311-751 of Section 2 of the Budget Act of
3 1990 shall revert to the unappropriated surplus of the 1990 Prison
4 Construction Fund. The sum of fifteen million dollars
5 (\$15,000,000) is hereby appropriated to the Department of
6 Corrections from the 1990 Prison Construction Fund for site
7 acquisition, site studies, environmental studies, master planning,
8 architectural programming, schematics, preliminary plans, working
9 drawings, construction, and long lead and equipment items for the
10 purpose of constructing facilities for pregnant and parenting
11 women's alternative sentencing programs. These funds shall not
12 be expended for any operating costs, including those costs
13 reimbursed by the department pursuant to subdivision (c) of Section
14 1174.3. Funds not expended pursuant to this chapter shall be used
15 for planning, construction, renovation, or remodeling by, or under
16 the supervision of, the Department of Corrections, of
17 community-based facilities for programs designed to reduce drug
18 use and recidivism, including, but not limited to, restitution centers,
19 facilities for the incarceration and rehabilitation of drug offenders,
20 multipurpose correctional centers, and centers for intensive
21 programs for parolees. These funds shall not be expended until
22 legislation authorizing the establishment of these programs is
23 enacted. If the Legislature finds that the Department of Corrections
24 has made a good faith effort to site community-based facilities,
25 but funds designated for these community-based facilities are
26 unexpended as of January 1, 1998, the Legislature may appropriate
27 these funds for other Level I housing.

28 (b) The Department of Corrections shall purchase, design,
29 construct, and renovate facilities in counties or multicounty areas
30 with a population of more than 450,000 people pursuant to this
31 chapter. The department shall target for selection, among other
32 counties, Los Angeles County, San Diego County, and a bay area,
33 central valley, and an inland empire county as determined by the
34 Director of Corrections. The department, in consultation with the
35 State Department of Alcohol and Drug Programs, shall design core
36 alcohol and drug treatment programs, with specific requirements
37 and standards. Residential facilities shall be licensed by the State
38 Department of Alcohol and Drug Programs in accordance with
39 provisions of the Health and Safety Code governing licensure of
40 alcoholism or drug abuse recovery or treatment facilities.

1 Residential and nonresidential programs shall be certified by the
2 State Department of Alcohol and Drug Programs as meeting its
3 standards for perinatal services. Funds shall be awarded to selected
4 agency service providers based upon all of the following criteria
5 and procedures:

6 (1) A demonstrated ability to provide comprehensive services
7 to pregnant women or women with children who are substance
8 abusers consistent with this chapter. Criteria shall include, but not
9 be limited to, each of the following:

10 (A) The success records of the types of programs proposed
11 based upon standards for successful programs.

12 (B) Expertise and actual experience of persons who will be in
13 charge of the proposed program.

14 (C) Cost-effectiveness, including the costs per client served.

15 (D) A demonstrated ability to implement a program as
16 expeditiously as possible.

17 (E) An ability to accept referrals and participate in a process
18 with the probation department determining eligible candidates for
19 the program.

20 (F) A demonstrated ability to seek and obtain supplemental
21 funding as required in support of the overall administration of this
22 facility from any county, state, or federal source that may serve to
23 support this program, including the State Department of Alcohol
24 and Drug Programs, ~~the agency or agencies designated by the~~
25 ~~Director of Finance pursuant to Section 13820 California~~
26 *Emergency Management Agency*, the State Department of Social
27 Services, the State Department of Mental Health, or any county
28 public health department. In addition, the agency shall also attempt
29 to secure other available funding from all county, state, or federal
30 sources for program implementation.

31 (G) An ability to provide intensive supervision of the program
32 participants to ensure complete daily programming.

33 (2) Staff from the department shall be available to selected
34 agencies for consultation and technical services in preparation and
35 implementation of the selected proposals.

36 (3) The department shall consult with existing program operators
37 that are then currently delivering similar program services, the
38 State Department of Alcohol and Drug Programs, and others it
39 may identify in the development of the program.

1 (4) Funds shall be made available by the department to the
2 agencies selected to administer the operation of this program.

3 (5) Agencies shall demonstrate an ability to provide offenders
4 a continuing supportive network of outpatient drug treatment and
5 other services upon the women's completion of the program and
6 reintegration into the community.

7 (6) The department may propose any variation of types and
8 sizes of facilities to carry out the purposes of this chapter.

9 (7) The department shall secure all other available funding for
10 its eligible population from all county, state, or federal sources.

11 (8) Each program proposal shall include a plan for the required
12 12-month residential program, plus a 12-month outpatient
13 transitional services program to be completed by participating
14 women and children.

15 SEC. 204. Section 1191.21 of the Penal Code is amended to
16 read:

17 1191.21. (a) (1) ~~The agency or agencies designated by the~~
18 ~~Director of Finance pursuant to Section 13820 California~~
19 ~~Emergency Management Agency~~ shall develop and make available
20 a "notification of eligibility" card for victims and derivative victims
21 of crimes as defined in subdivision (c) of Section 13960 of the
22 Government Code that includes, but is not limited to, the following
23 information:

24 "If you have been the victim of a crime that meets the required
25 definition, you or others may be eligible to receive payment from
26 the California State Restitution Fund for losses directly resulting
27 from the crime. To learn about eligibility and receive an application
28 to receive payments, call the Victims of Crime Program at (800)
29 777-9229 or call your local county Victim Witness Assistance
30 Center."

31 (2) At a minimum, ~~the agency or agencies designated by the~~
32 ~~Director of Finance pursuant to Section 13820 California~~
33 ~~Emergency Management Agency~~ shall develop a template available
34 for downloading on its Internet Web site the information requested
35 in subdivision (b).

36 (b) In a case involving a crime as defined in subdivision (c) of
37 Section 13960 of the Government Code, the law enforcement
38 officer with primary responsibility for investigating the crime
39 committed against the victim and the district attorney may provide

1 the “notification of eligibility” card to the victim and derivative
2 victim of a crime.

3 (c) The terms “victim” and “derivative victim” shall be given
4 the same meaning given those terms in Section 13960 of the
5 Government Code.

6 SEC. 205. Section 6241 of the Penal Code is amended to read:

7 6241. (a) The Substance Abuse Community Correctional
8 Detention Centers Fund is hereby created within the State Treasury.
9 The Board of Corrections is authorized to provide funds, as
10 appropriated by the Legislature, for the purpose of establishing
11 substance abuse community correctional detention centers. These
12 facilities shall be operated locally in order to manage parole
13 violators, those select individuals sentenced to state prison for
14 short periods of time, and other sentenced local offenders with a
15 known history of substance abuse, and as further defined by this
16 chapter.

17 (b) The facilities constructed with funds disbursed pursuant to
18 this chapter in a county shall contain no less than 50 percent of
19 total beds for use by the Department of Corrections.

20 (1) Upon agreement, the county and the department may
21 negotiate any other mix of state and local bed space, providing the
22 state’s proportionate share shall not be less than 50 percent in the
23 portion of the facilities financed through state funding.

24 (2) Nothing in this chapter shall prohibit the county from using
25 county funds or nonrestricted jail bond funds to build and operate
26 additional facilities in conjunction with the centers provided for
27 in this chapter.

28 (c) Thirty million dollars (\$30,000,000) in funds shall be
29 provided from the 1990 Prison Construction Fund and the 1990–B
30 Prison Construction Fund, with fifteen million dollars
31 (\$15,000,000) each from the June 1990 bond issue and the
32 November 1990 bond issue, for construction purposes set forth in
33 this chapter, provided that funding is appropriated in the state
34 budget from the June and November 1990, prison bond issues for
35 purposes of this chapter.

36 (d) Funds shall be awarded to counties based upon the following
37 policies and criteria:

38 (1) Priority shall be given to urban counties with populations
39 of 450,000 or more, as determined by Department of Finance
40 figures. The board may allocate up to 10 percent of the funding to

1 smaller counties or combinations of counties as pilot projects, if
2 it concludes that proposals meet the requirements of this chapter,
3 commensurate with the facilities and programming that a smaller
4 county can provide.

5 (2) Upon application and submission of proposals by eligible
6 counties, representatives of the board shall evaluate proposals and
7 select recipients.

8 To help ensure that state-of-the-art drug rehabilitation and related
9 programs are designed, implemented, and updated under this
10 chapter, the board shall consult with not less than three authorities
11 recognized nationwide with experience or expertise in the design
12 or operation of successful programs in order to assist the board in
13 all of the following:

14 (A) Drawing up criteria on which requests for proposals will
15 be sought.

16 (B) Selecting proposals to be funded.

17 (C) Assisting the board in evaluation and operational problems
18 of the programs, if those services are approved by the board.

19 Funding also shall be sought by the board from the federal
20 government and private foundation sources in order to defray the
21 costs of the board's responsibilities under this chapter.

22 (3) Preference shall be given to counties that can demonstrate
23 a financial ability and commitment to operate the programs it is
24 proposing for a period of at least three years and to make
25 improvements as proposed by the department and the board.

26 (4) Applicants receiving awards under this chapter shall be
27 selected from among those deemed appropriate for funding
28 according to the criteria, policies, and procedures established by
29 the board. Criteria shall include success records of the types of
30 programs proposed based on nationwide standards for successful
31 programs, if available, expertise and hands-on experience of
32 persons who will be in charge of proposed programs, cost
33 effectiveness, including cost per bed, speed of construction, a
34 demonstrated ability to construct the maximum number of beds
35 which shall result in an overall net increase in the number of beds
36 in the county for state and local offenders, comprehensiveness of
37 services, location, participation by private or community-based
38 organizations, and demonstrated ability to seek and obtain
39 supplemental funding as required in support of the overall
40 administration of this facility from sources such as the Department

1 of Alcohol and Drug Programs, the ~~agency or agencies designated~~
2 ~~by the Director of Finance pursuant to Section 13820~~ *California*
3 *Emergency Management Agency*, the National Institute of
4 Corrections, the Department of Justice, and other state and federal
5 sources.

6 (5) Funds disbursed under subdivision (c) shall be used for
7 construction of substance abuse community correctional centers,
8 with a level of security in each facility commensurate with public
9 safety for the types of offenders being housed in or utilizing the
10 facilities.

11 (6) Funds disbursed under this chapter shall not be used for the
12 purchase of the site. Sites shall be provided by the county.
13 However, a participating county may negotiate with the state for
14 use of state land at nearby corrections facilities or other state
15 facilities, provided that the locations fit in with the aims of the
16 programs established by this chapter.

17 The county shall be responsible for ensuring the siting,
18 acquisition, design, and construction of the center consistent with
19 the California Environmental Quality Act pursuant to Division 13
20 (commencing with Section 21000) of the Public Resources Code.

21 (7) Staff of the department and the board, as well as persons
22 selected by the board, shall be available to counties for consultation
23 and technical services in preparation and implementation of
24 proposals accepted by the board.

25 (8) The board also shall seek advice from the Department of
26 Alcohol and Drug Programs in exercising its responsibilities under
27 this chapter.

28 (9) Funds shall be made available to the county and county
29 agency which is selected to administer the program by the board
30 of supervisors of that county.

31 (10) Area of greatest need can be a factor considered in awarding
32 contracts to counties.

33 (11) Particular consideration shall be given to counties that can
34 demonstrate an ability to provide continuing counseling and
35 programming for offenders in programs established under this
36 chapter, once the offenders have completed the programs and have
37 returned to the community.

38 (12) A county may propose a variety of types and sizes of
39 facilities to meet the needs of its plan and to provide the services
40 for varying types of offenders to be served under this chapter.

1 Funds granted to a county may be utilized for construction of more
2 than one facility.

3 Any county wishing to use existing county-owned sites or
4 facilities may negotiate those arrangements with the Department
5 of Corrections and the Board of Corrections to meet the needs of
6 its plan.

7 SEC. 206. Section 11160 of the Penal Code is amended to read:

8 11160. (a) Any health practitioner employed in a health
9 facility, clinic, physician's office, local or state public health
10 department, or a clinic or other type of facility operated by a local
11 or state public health department who, in his or her professional
12 capacity or within the scope of his or her employment, provides
13 medical services for a physical condition to a patient whom he or
14 she knows or reasonably suspects is a person described as follows,
15 shall immediately make a report in accordance with subdivision
16 (b):

17 (1) Any person suffering from any wound or other physical
18 injury inflicted by his or her own act or inflicted by another where
19 the injury is by means of a firearm.

20 (2) Any person suffering from any wound or other physical
21 injury inflicted upon the person where the injury is the result of
22 assaultive or abusive conduct.

23 (b) Any health practitioner employed in a health facility, clinic,
24 physician's office, local or state public health department, or a
25 clinic or other type of facility operated by a local or state public
26 health department shall make a report regarding persons described
27 in subdivision (a) to a local law enforcement agency as follows:

28 (1) A report by telephone shall be made immediately or as soon
29 as practically possible.

30 (2) A written report shall be prepared on the standard form
31 developed in compliance with paragraph (4) of this subdivision,
32 and Section 11160.2, and adopted by the ~~agency or agencies~~
33 ~~designated by the Director of Finance pursuant to Section 13820~~
34 *California Emergency Management Agency*, or on a form
35 developed and adopted by another state agency that otherwise
36 fulfills the requirements of the standard form. The completed form
37 shall be sent to a local law enforcement agency within two working
38 days of receiving the information regarding the person.

39 (3) A local law enforcement agency shall be notified and a
40 written report shall be prepared and sent pursuant to paragraphs

(1) and (2) even if the person who suffered the wound, other injury, or assaultive or abusive conduct has expired, regardless of whether or not the wound, other injury, or assaultive or abusive conduct was a factor contributing to the death, and even if the evidence of the conduct of the perpetrator of the wound, other injury, or assaultive or abusive conduct was discovered during an autopsy.

(4) The report shall include, but shall not be limited to, the following:

(A) The name of the injured person, if known.

(B) The injured person's whereabouts.

(C) The character and extent of the person's injuries.

(D) The identity of any person the injured person alleges inflicted the wound, other injury, or assaultive or abusive conduct upon the injured person.

(c) For the purposes of this section, "injury" shall not include any psychological or physical condition brought about solely through the voluntary administration of a narcotic or restricted dangerous drug.

(d) For the purposes of this section, "assaultive or abusive conduct" shall include any of the following offenses:

(1) Murder, in violation of Section 187.

(2) Manslaughter, in violation of Section 192 or 192.5.

(3) Mayhem, in violation of Section 203.

(4) Aggravated mayhem, in violation of Section 205.

(5) Torture, in violation of Section 206.

(6) Assault with intent to commit mayhem, rape, sodomy, or oral copulation, in violation of Section 220.

(7) Administering controlled substances or anesthetic to aid in commission of a felony, in violation of Section 222.

(8) Battery, in violation of Section 242.

(9) Sexual battery, in violation of Section 243.4.

(10) Incest, in violation of Section 285.

(11) Throwing any vitriol, corrosive acid, or caustic chemical with intent to injure or disfigure, in violation of Section 244.

(12) Assault with a stun gun or taser, in violation of Section 244.5.

(13) Assault with a deadly weapon, firearm, assault weapon, or machinegun, or by means likely to produce great bodily injury, in violation of Section 245.

(14) Rape, in violation of Section 261.

1 (15) Spousal rape, in violation of Section 262.

2 (16) Procuring any female to have sex with another man, in
3 violation of Section 266, 266a, 266b, or 266c.

4 (17) Child abuse or endangerment, in violation of Section 273a
5 or 273d.

6 (18) Abuse of spouse or cohabitant, in violation of Section
7 273.5.

8 (19) Sodomy, in violation of Section 286.

9 (20) Lewd and lascivious acts with a child, in violation of
10 Section 288.

11 (21) Oral copulation, in violation of Section 288a.

12 (22) Sexual penetration, in violation of Section 289.

13 (23) Elder abuse, in violation of Section 368.

14 (24) An attempt to commit any crime specified in paragraphs
15 (1) to (23), inclusive.

16 (e) When two or more persons who are required to report are
17 present and jointly have knowledge of a known or suspected
18 instance of violence that is required to be reported pursuant to this
19 section, and when there is an agreement among these persons to
20 report as a team, the team may select by mutual agreement a
21 member of the team to make a report by telephone and a single
22 written report, as required by subdivision (b). The written report
23 shall be signed by the selected member of the reporting team. Any
24 member who has knowledge that the member designated to report
25 has failed to do so shall thereafter make the report.

26 (f) The reporting duties under this section are individual, except
27 as provided in subdivision (e).

28 (g) No supervisor or administrator shall impede or inhibit the
29 reporting duties required under this section and no person making
30 a report pursuant to this section shall be subject to any sanction
31 for making the report. However, internal procedures to facilitate
32 reporting and apprise supervisors and administrators of reports
33 may be established, except that these procedures shall not be
34 inconsistent with this article. The internal procedures shall not
35 require any employee required to make a report under this article
36 to disclose his or her identity to the employer.

37 (h) For the purposes of this section, it is the Legislature's intent
38 to avoid duplication of information.

39 SEC. 207. Section 11160.1 of the Penal Code is amended to
40 read:

11160.1. (a) Any health practitioner employed in any health facility, clinic, physician's office, local or state public health department, or a clinic or other type of facility operated by a local or state public health department who, in his or her professional capacity or within the scope of his or her employment, performs a forensic medical examination on any person in the custody of law enforcement from whom evidence is sought in connection with the commission or investigation of a crime of sexual assault, as described in subdivision (d) of Section 11160, shall prepare a written report. The report shall be on a standard form developed by, or at the direction of, the ~~Office of Emergency Services or an agency designated by the Director of Finance pursuant to Section 13820~~ *California Emergency Management Agency*, and shall be immediately provided to the law enforcement agency who has custody of the individual examined.

(b) The examination and report is subject to the confidentiality requirements of the Confidentiality of Medical Information Act (Chapter 1 (commencing with Section 56) of Part 2.6 of Division 1 of the Civil Code), the physician-patient privilege pursuant to Article 6 (commencing with Section 990) of Chapter 4 of Division 8 of the Evidence Code, and the privilege of official information pursuant to Article 9 (commencing with Section 1040) of Chapter 4 of Division 8 of the Evidence Code.

(c) The report shall be released upon request, oral or written, to any person or agency involved in any related investigation or prosecution of a criminal case including, but not limited to, a law enforcement officer, district attorney, city attorney, crime laboratory, county licensing agency, or coroner. The report may be released to defense counsel or another third party only through discovery of documents in the possession of a prosecuting agency or following the issuance of a lawful court order authorizing the release of the report.

(d) A health practitioner who makes a report in accordance with this section shall not incur civil or criminal liability. No person, agency, or their designee required or authorized to report pursuant to this section who takes photographs of a person suspected of being a person subject to a forensic medical examination as described in this section shall incur any civil or criminal liability for taking the photographs, causing the photographs to be taken, or disseminating the photographs to a law enforcement officer,

1 district attorney, city attorney, crime laboratory, county licensing
2 agency, or coroner with the reports required in accordance with
3 this section. However, this subdivision shall not be deemed to
4 grant immunity from civil or criminal liability with respect to any
5 other use of the photographs.

6 (e) Section 11162 does not apply to this section.

7 (f) With the exception of any health practitioner who has entered
8 into a contractual agreement to perform forensic medical
9 examinations, no health practitioner shall be required to perform
10 a forensic medical examination as part of his or her duties as a
11 health practitioner.

12 SEC. 208. Section 11161.2 of the Penal Code is amended to
13 read:

14 11161.2. (a) The Legislature finds and declares that adequate
15 protection of victims of domestic violence and elder and dependent
16 adult abuse has been hampered by lack of consistent and
17 comprehensive medical examinations. Enhancing examination
18 procedures, documentation, and evidence collection will improve
19 investigation and prosecution efforts.

20 (b) ~~The agency or agencies designated by the Director of Finance~~
21 ~~pursuant to Section 13820~~ *California Emergency Management*
22 *Agency* shall, in cooperation with the State Department of Health
23 Services, the Department of Aging and the ombudsman program,
24 the State Department of Social Services, law enforcement agencies,
25 the Department of Justice, the California Association of Crime
26 Lab Directors, the California District Attorneys Association, the
27 California State Sheriff's Association, the California Medical
28 Association, the California Police Chiefs' Association, domestic
29 violence advocates, the California Medical Training Center, adult
30 protective services, and other appropriate experts:

31 (1) Establish medical forensic forms, instructions, and
32 examination protocol for victims of domestic violence and elder
33 and dependent adult abuse and neglect using as a model the form
34 and guidelines developed pursuant to Section 13823.5. The form
35 should include, but not be limited to, a place for a notation
36 concerning each of the following:

37 (A) Notification of injuries and a report of suspected domestic
38 violence or elder or dependent adult abuse and neglect to law
39 enforcement authorities, Adult Protective Services, or the State

1 Long-Term Care Ombudsmen, in accordance with existing
2 reporting procedures.

3 (B) Obtaining consent for the examination, treatment of injuries,
4 collection of evidence, and photographing of injuries. Consent to
5 treatment shall be obtained in accordance with the usual hospital
6 policy. A victim shall be informed that he or she may refuse to
7 consent to an examination for evidence of domestic violence and
8 elder and dependent adult abuse and neglect, including the
9 collection of physical evidence, but that refusal is not a ground for
10 denial of treatment of injuries and disease, if the person wishes to
11 obtain treatment and consents thereto.

12 (C) Taking a patient history of domestic violence or elder or
13 dependent adult abuse and neglect and other relevant medical
14 history.

15 (D) Performance of the physical examination for evidence of
16 domestic violence or elder or dependent adult abuse and neglect.

17 (E) Collection of physical evidence of domestic violence or
18 elder or dependent adult abuse.

19 (F) Collection of other medical and forensic specimens, as
20 indicated.

21 (G) Procedures for the preservation and disposition of evidence.

22 (H) Complete documentation of medical forensic exam findings.

23 (2) Determine whether it is appropriate and forensically sound
24 to develop separate or joint forms for documentation of medical
25 forensic findings for victims of domestic violence and elder and
26 dependent adult abuse and neglect.

27 (3) The forms shall become part of the patient's medical record
28 pursuant to guidelines established by the agency or agencies
29 designated by the ~~Director of Finance pursuant to Section 13820~~
30 *California Emergency Management Agency* advisory committee
31 and subject to the confidentiality laws pertaining to release of
32 medical forensic examination records.

33 (c) The forms shall be made accessible for use on the Internet.

34 SEC. 209. Section 11171 of the Penal Code is amended to read:

35 11171. (a) (1) The Legislature hereby finds and declares that
36 adequate protection of victims of child physical abuse or neglect
37 has been hampered by the lack of consistent and comprehensive
38 medical examinations.

39 (2) Enhancing examination procedures, documentation, and
40 evidence collection relating to child abuse or neglect will improve

1 the investigation and prosecution of child abuse or neglect as well
2 as other child protection efforts.

3 (b) ~~The agency or agencies designated by the Director of Finance~~
4 ~~pursuant to Section 13820 California Emergency Management~~
5 ~~Agency~~ shall, in cooperation with the State Department of Social
6 Services, the Department of Justice, the California Association of
7 Crime Lab Directors, the California District Attorneys Association,
8 the California State Sheriffs Association, the California Peace
9 Officers Association, the California Medical Association, the
10 California Police Chiefs' Association, child advocates, the
11 California Medical Training Center, child protective services, and
12 other appropriate experts, establish medical forensic forms,
13 instructions, and examination protocols for victims of child
14 physical abuse or neglect using as a model the form and guidelines
15 developed pursuant to Section 13823.5.

16 (c) The forms shall include, but not be limited to, a place for
17 notation concerning each of the following:

18 (1) Any notification of injuries or any report of suspected child
19 physical abuse or neglect to law enforcement authorities or
20 children's protective services, in accordance with existing reporting
21 procedures.

22 (2) Addressing relevant consent issues, if indicated.

23 (3) The taking of a patient history of child physical abuse or
24 neglect that includes other relevant medical history.

25 (4) The performance of a physical examination for evidence of
26 child physical abuse or neglect.

27 (5) The collection or documentation of any physical evidence
28 of child physical abuse or neglect, including any recommended
29 photographic procedures.

30 (6) The collection of other medical or forensic specimens,
31 including drug ingestion or toxication, as indicated.

32 (7) Procedures for the preservation and disposition of evidence.

33 (8) Complete documentation of medical forensic exam findings
34 with recommendations for diagnostic studies, including blood tests
35 and X-rays.

36 (9) An assessment as to whether there are findings that indicate
37 physical abuse or neglect.

38 (d) The forms shall become part of the patient's medical record
39 pursuant to guidelines established by the advisory committee of
40 ~~the agency or agencies designated by the Director of Finance~~

1 ~~pursuant to Section 13820 California Emergency Management~~
2 ~~Agency~~ and subject to the confidentiality laws pertaining to the
3 release of a medical forensic examination records.

4 (e) The forms shall be made accessible for use on the Internet.

5 SEC. 210. Section 11174.34 of the Penal Code is amended to
6 read:

7 11174.34. (a) (1) The purpose of this section shall be to
8 coordinate and integrate state and local efforts to address fatal
9 child abuse or neglect, and to create a body of information to
10 prevent child deaths.

11 (2) It is the intent of the Legislature that the California State
12 Child Death Review Council, the Department of Justice, the State
13 Department of Social Services, the State Department of Health
14 Services, and state and local child death review teams shall share
15 data and other information necessary from the Department of
16 Justice Child Abuse Central Index and Supplemental Homicide
17 File, the State Department of Health Services Vital Statistics and
18 the Department of Social Services Child Welfare Services/Case
19 Management System files to establish accurate information on the
20 nature and extent of child abuse or neglect related fatalities in
21 California as those documents relate to child fatality cases. Further,
22 it is the intent of the Legislature to ensure that records of child
23 abuse or neglect related fatalities are entered into the State
24 Department of Social Services, Child Welfare Services/Case
25 Management System. It is also the intent that training and technical
26 assistance be provided to child death review teams and
27 professionals in the child protection system regarding multiagency
28 case review.

29 (b) (1) It shall be the duty of the California State Child Death
30 Review Council to oversee the statewide coordination and
31 integration of state and local efforts to address fatal child abuse or
32 neglect and to create a body of information to prevent child deaths.
33 The Department of Justice, the State Department of Social Services,
34 the State Department of Health Services, the California Coroner's
35 Association, the County Welfare Directors Association, Prevent
36 Child Abuse California, the California Homicide Investigators
37 Association, ~~the agency or agencies designated by the Director of~~
38 ~~Finance pursuant to Section 13820 California Emergency~~
39 ~~Management Agency~~, the Inter-Agency Council on Child Abuse
40 and Neglect/National Center on Child Fatality Review, the

1 California Conference of Local Health Officers, the California
2 Conference of Local Directors of Maternal, Child, and Adolescent
3 Health, the California Conference of Local Health Department
4 Nursing Directors, the California District Attorneys Association,
5 and at least three regional representatives, chosen by the other
6 members of the council, working collaboratively for the purposes
7 of this section, shall be known as the California State Child Death
8 Review Council. The council shall select a chairperson or
9 cochairpersons from the members.

10 (2) The Department of Justice is hereby authorized to carry out
11 the purposes of this section by coordinating council activities and
12 working collaboratively with the agencies and organizations in
13 paragraph (1), and may consult with other representatives of other
14 agencies and private organizations, to help accomplish the purpose
15 of this section.

16 (c) Meetings of the agencies and organizations involved shall
17 be convened by a representative of the Department of Justice. All
18 meetings convened between the Department of Justice and any
19 organizations required to carry out the purpose of this section shall
20 take place in this state. There shall be a minimum of four meetings
21 per calendar year.

22 (d) To accomplish the purpose of this section, the Department
23 of Justice and agencies and organizations involved shall engage
24 in the following activities:

25 (1) Analyze and interpret state and local data on child death in
26 an annual report to be submitted to local child death review teams
27 with copies to the Governor and the Legislature, no later than July
28 1 each year. Copies of the report shall also be distributed to public
29 officials in the state who deal with child abuse issues and to those
30 agencies responsible for child death investigation in each county.
31 The report shall contain, but not be limited to, information provided
32 by state agencies and the county child death review teams for the
33 preceding year.

34 The state data shall include the Department of Justice Child
35 Abuse Central Index and Supplemental Homicide File, the State
36 Department of Health Services Vital Statistics, and the State
37 Department of Social Services Child Welfare Services/Case
38 Management System.

39 (2) In conjunction with the ~~agency or agencies designated by~~
40 ~~the Director of Finance pursuant to Section 13820~~ *California*

1 *Emergency Management Agency*, coordinate statewide and local
2 training for county death review teams and the members of the
3 teams, including, but not limited to, training in the application of
4 the interagency child death investigation protocols and procedures
5 established under Sections 11166.7 and 11166.8 to identify child
6 deaths associated with abuse or neglect.

7 (e) The State Department of Health Services, in collaboration
8 with the California State Child Death Review Council, shall design,
9 test and implement a statewide child abuse or neglect fatality
10 tracking system incorporating information collected by local child
11 death review teams. The department shall:

12 (1) Establish a minimum case selection criteria and review
13 protocols of local child death review teams.

14 (2) Develop a standard child death review form with a minimum
15 core set of data elements to be used by local child death review
16 teams, and collect and analyze that data.

17 (3) Establish procedural safeguards in order to maintain
18 appropriate confidentiality and integrity of the data.

19 (4) Conduct annual reviews to reconcile data reported to the
20 State Department of Health Services Vital Statistics, Department
21 of Justice Homicide Files and Child Abuse Central Index, and the
22 State Department of Social Services Child Welfare Services/Case
23 Management System data systems, with data provided from local
24 child death review teams.

25 (5) Provide technical assistance to local child death review teams
26 in implementing and maintaining the tracking system.

27 (6) This subdivision shall become operative on July 1, 2000,
28 and shall be implemented only to the extent that funds are
29 appropriated for its purposes in the Budget Act.

30 (f) Local child death review teams shall participate in a statewide
31 child abuse or neglect fatalities monitoring system by:

32 (1) Meeting the minimum standard protocols set forth by the
33 State Department of Health Services in collaboration with the
34 California State Child Death Review Council.

35 (2) Using the standard data form to submit information on child
36 abuse or neglect fatalities in a timely manner established by the
37 State Department of Health Services.

38 (g) The California State Child Death Review Council shall
39 monitor the implementation of the monitoring system and

1 incorporate the results and findings of the system and review into
2 an annual report.

3 (h) The Department of Justice shall direct the creation,
4 maintenance, updating, and distribution electronically and by paper,
5 of a statewide child death review team directory, which shall
6 contain the names of the members of the agencies and private
7 organizations participating under this section, and the members of
8 local child death review teams and local liaisons to those teams.
9 The department shall work in collaboration with members of the
10 California State Child Death Review Council to develop a directory
11 of professional experts, resources, and information from relevant
12 agencies and organizations and local child death review teams,
13 and to facilitate regional working relationships among teams. The
14 Department of Justice shall maintain and update these directories
15 annually.

16 (i) The agencies or private organizations participating under
17 this section shall participate without reimbursement from the state.
18 Costs incurred by participants for travel or per diem shall be borne
19 by the participant agency or organization. The participants shall
20 be responsible for collecting and compiling information to be
21 included in the annual report. The Department of Justice shall be
22 responsible for printing and distributing the annual report using
23 available funds and existing resources.

24 ~~(j) The agency or agencies designated by the Director of Finance~~
25 ~~pursuant to Section 13820~~ *California Emergency Management*
26 *Agency*, in coordination with the State Department of Social
27 Services, the Department of Justice, and the California State Child
28 Death Review Council shall contract with state or nationally
29 recognized organizations in the area of child death review to
30 conduct statewide training and technical assistance for local child
31 death review teams and relevant organizations, develop
32 standardized definitions for fatal child abuse or neglect, develop
33 protocols for the investigation of fatal child abuse or neglect, and
34 address relevant issues such as grief and mourning, data collection,
35 training for medical personnel in the identification of child abuse
36 or neglect fatalities, domestic violence fatality review, and other
37 related topics and programs. The provisions of this subdivision
38 shall only be implemented to the extent that the agency or agencies
39 ~~designated by the Director of Finance pursuant to Section 13820~~
40 can absorb the costs of implementation within its current funding,

1 or to the extent that funds are appropriated for its purposes in the
2 Budget Act.

3 (k) Law enforcement and child welfare agencies shall
4 cross-report all cases of child death suspected to be related to child
5 abuse or neglect whether or not the deceased child has any known
6 surviving siblings.

7 (l) County child welfare agencies shall create a record in the
8 Child Welfare Services/Case Management System (CWS/CMS)
9 on all cases of child death suspected to be related to child abuse
10 or neglect, whether or not the deceased child has any known
11 surviving siblings. Upon notification that the death was determined
12 not to be related to child abuse or neglect, the child welfare agency
13 shall enter that information into the Child Welfare Services/Case
14 Management System.

15 SEC. 211. Section 11501 of the Penal Code is amended to read:

16 11501. (a) There is hereby established in the ~~agency or~~
17 ~~agencies designated by the Director of Finance pursuant to Section~~
18 ~~13820 California Emergency Management Agency~~, a program of
19 financial assistance to provide for statewide programs of education,
20 training, and research for local public prosecutors and public
21 defenders. All funds made available to the ~~agency or agencies~~
22 ~~designated by the Director of Finance pursuant to Section 13820~~
23 for the purposes of this chapter shall be administered and
24 distributed by the ~~executive director~~ *secretary* of the ~~office~~ *agency*.

25 (b) The ~~Executive Director of the agency or agencies designated~~
26 ~~by the Director of Finance pursuant to Section 13820~~ *Secretary of*
27 *Emergency Management* is authorized to allocate and award funds
28 to public agencies or private nonprofit organizations for purposes
29 of establishing statewide programs of education, training, and
30 research for public prosecutors and public defenders, which
31 programs meet criteria established pursuant to Section 11502.

32 (c) Annually, the ~~executive director~~ *secretary* shall submit a
33 report to the Legislature describing the operation and
34 accomplishments of the statewide programs authorized by this
35 title.

36 SEC. 212. Section 11502 of the Penal Code is amended to read:

37 11502. (a) Criteria for selection of education, training, and
38 research programs for local public prosecutors and public defenders
39 shall be developed by the ~~agency or agencies designated by the~~
40 ~~Director of Finance pursuant to Section 13820~~ *California*

1 *Emergency Management Agency* in consultation with an advisory
2 group entitled the Prosecutors and Public Defenders Education
3 and Training Advisory Committee.

4 (b) The Prosecutors and Public Defenders Education and
5 Training Advisory Committee shall be composed of six local public
6 prosecutors and six local public defender representatives, all of
7 whom are appointed by the ~~executive director of the agency or~~
8 ~~agencies designated by the Director of Finance pursuant to Section~~
9 ~~13820~~ *Secretary of Emergency Management*, who shall provide
10 staff services to the advisory committee. In appointing the members
11 of the committee, the ~~executive director~~ *secretary* shall invite the
12 Attorney General, the State Public Defender, the Speaker of the
13 Assembly, and the Senate President pro Tempore to participate as
14 ex officio members of the committee.

15 (c) ~~The agency or agencies designated by the Director of Finance~~
16 ~~pursuant to Section 13820~~ *California Emergency Management*
17 *Agency*, in consultation with the advisory committee, shall develop
18 specific guidelines including criteria for selection of organizations
19 to provide education, training, and research services.

20 (d) In determining the equitable allocation of funds between
21 prosecution and defense functions, the ~~agency or agencies~~
22 ~~designated by the Director of Finance pursuant to Section 13820~~
23 *California Emergency Management Agency* and the advisory
24 committee shall give consideration to the amount of local
25 government expenditures on a statewide basis for the support of
26 those functions.

27 (e) The administration of the overall program shall be performed
28 by the ~~agency or agencies designated by the Director of Finance~~
29 ~~pursuant to Section 13820~~ *California Emergency Management*
30 *Agency*. ~~The agency or agencies so designated~~ *agency* may, out
31 of any appropriation for this program, expend an amount not to
32 exceed 7.5 percent for any fiscal year for those purposes.

33 (f) No funds appropriated pursuant to this title shall be used to
34 support a legislative advocate.

35 (g) To the extent necessary to meet the requirements of the State
36 Bar of California relating to certification of training for legal
37 specialists, the executive director shall ensure that, where
38 appropriate, all programs funded under this title are open to all
39 members of the State Bar of California. The program guidelines
40 established pursuant to subdivision (c) shall provide for the

1 reimbursement of costs for all participants deemed eligible by the
2 ~~agency or agencies designated by the Director of Finance pursuant~~
3 ~~to Section 13820 California Emergency Management Agency~~, in
4 conjunction with the Legal Training Advisory Committee, by
5 means of course attendance.

6 SEC. 213. Section 11504 of the Penal Code is amended to read:

7 11504. To the extent funds are appropriated from the
8 Assessment Fund to the Local Public Prosecutors and Public
9 Defenders Training Fund established pursuant to Section 11503,
10 ~~the agency or agencies designated by the Director of Finance~~
11 ~~pursuant to Section 13820 California Emergency Management~~
12 ~~Agency~~ shall allocate financial resources for statewide programs
13 of education, training, and research for local public prosecutors
14 and public defenders.

15 SEC. 214. Section 13100.1 of the Penal Code is amended to
16 read:

17 13100.1. (a) The Attorney General shall appoint an advisory
18 committee to the California-Criminal Index and Identification
19 (Cal-CII) system to assist in the ongoing management of the system
20 with respect to operating policies, criminal records content, and
21 records retention. The committee shall serve at the pleasure of the
22 Attorney General, without compensation, except for reimbursement
23 of necessary expenses.

24 (b) The committee shall consist of the following representatives:

25 (1) One representative from the California Police Chiefs'
26 Association.

27 (2) One representative from the California Peace Officers'
28 Association.

29 (3) Three representatives from the California State Sheriffs'
30 Association.

31 (4) One trial judge appointed by the Judicial Council.

32 (5) One representative from the California District Attorneys'
33 Association.

34 (6) One representative from the California Court Clerks'
35 Association.

36 (7) One representative from the ~~agency or agencies designated~~
37 ~~by the Director of Finance pursuant to Section 13820 California~~
38 ~~Emergency Management Agency~~.

39 (8) One representative from the Chief Probation Officers'
40 Association.

(9) One representative from the Department of Corrections.

(10) One representative from the Department of the California Highway Patrol.

(11) One member of the public, appointed by the Senate Committee on Rules, who is knowledgeable and experienced in the process of utilizing background clearances.

(12) One member of the public, appointed by the Speaker of the Assembly, who is knowledgeable and experienced in the process of utilizing background clearances.

SEC. 215. Section 13800 of the Penal Code is amended to read:

13800. ~~As~~ *Unless otherwise required by context, as used in this title:*

(a) *“Agency” means the California Emergency Management Agency.*

~~(a)~~

(b) *“Council” means the California Council on Criminal Justice.*

~~(b) “Office” means the agency or agencies designated by the Director of Finance pursuant to Section 13820.~~

(c) *“Federal acts” means the Federal Omnibus Crime Control and Safe Streets Act of 1968, the Federal Juvenile Delinquency Prevention and Control Act of 1968, and any act or acts amendatory or supplemental thereto.*

~~(c)~~

(d) *“Local boards” means local criminal justice planning boards.*

~~(d) “Federal acts” means the Federal Omnibus Crime Control and Safe Streets Act of 1968, the Federal Juvenile Delinquency Prevention and Control Act of 1968, and any act or acts amendatory or supplemental thereto.~~

(e) *“Secretary” means the Secretary of Emergency Management.*

SEC. 216. The heading of Chapter 3 (commencing with Section 13820) of Title 6 of Part 4 of the Penal Code is amended to read:

CHAPTER 3. ~~OFFICE OF~~ CRIMINAL JUSTICE PLANNING

SEC. 217. Section 13820 of the Penal Code is amended to read:

13820. (a) The Office of Criminal Justice Planning is hereby abolished. ~~The Director of Finance shall designate an agency or agencies to carry out the functions of the Office of Criminal Justice Planning in accordance with a plan submitted pursuant to Section 25 of the Budget Act of 2003, and pursuant to subdivision (c). The~~

1 duties and obligations of that office, and all powers and authority
2 *formerly* exercised by that office, shall be transferred to and
3 assumed by the agency ~~or agencies so designated~~.

4 (b) Except for this section, the phrase "Office of Criminal Justice
5 Planning" or any reference to that phrase in this code shall be
6 construed to mean or refer to the agency ~~or agencies designated~~
7 ~~pursuant to this section~~. Any reference to the executive director
8 of the Office of Criminal Justice Planning in this code shall be
9 construed to mean the ~~appropriate person in the agency or agencies~~
10 ~~designated pursuant to this section~~ *secretary*.

11 (c) ~~Until an agency is designated under subdivision (a), juvenile~~
12 ~~justice programs administered by the Office of Criminal Justice~~
13 ~~Planning shall be transferred to the Board of Corrections or other~~
14 ~~appropriate entity as determined by the Director of Finance, law~~
15 ~~enforcement programs shall be transferred to the Office of~~
16 ~~Emergency Services or other appropriate entity as determined by~~
17 ~~the Director of Finance, and victims' services shall be transferred~~
18 ~~to the Victim's Compensation and Government Claims Board or~~
19 ~~other appropriate entity as determined by the Director of Finance.~~

20 SEC. 218. Section 13823 of the Penal Code is amended to read:
21 13823. (a) In cooperation with local boards, the agency ~~or~~
22 ~~agencies designated by the Director of Finance pursuant to Section~~
23 ~~13820~~ shall:

24 (1) Develop with the advice and approval of the council, the
25 comprehensive statewide plan for the improvement of criminal
26 justice and delinquency prevention activity throughout the state.

27 (2) Define, develop and correlate programs and projects for the
28 state criminal justice agencies.

29 (3) Receive and disburse federal funds, perform all necessary
30 and appropriate staff services required by the council, and
31 otherwise assist the council in the performance of its duties as
32 established by federal acts.

33 (4) Develop comprehensive, unified and orderly procedures to
34 insure that all local plans and all state and local projects are in
35 accord with the comprehensive state plan, and that all applications
36 for grants are processed efficiently.

37 (5) Cooperate with and render technical assistance to the
38 Legislature, state agencies, units of general local government,
39 combinations of those units, or other public or private agencies,

1 organizations or institutions in matters relating to criminal justice
2 and delinquency prevention.

3 (6) Conduct evaluation studies of the programs and activities
4 assisted by the federal acts.

5 (b) The agency or agencies designated by the Director of Finance
6 pursuant to Section 13820 may:

7 (1) Collect, evaluate, publish, and disseminate statistics and
8 other information on the condition and progress of criminal justice
9 in the state.

10 (2) Perform other functions and duties as required by federal
11 acts, rules, regulations or guidelines in acting as the administrative
12 office of the state planning agency for distribution of federal grants.

13 SEC. 219. Section 13823.2 of the Penal Code is amended to
14 read:

15 13823.2. (a) The Legislature hereby finds and declares all of
16 the following:

17 (1) That violent and serious crimes are being committed against
18 the elderly on an alarmingly regular basis.

19 (2) That in 1985, the United States Department of Justice
20 reported that approximately 1 in every 10 elderly households in
21 the nation would be touched by crime.

22 (3) That the California Department of Justice, based upon limited
23 data received from local law enforcement agencies, reported that
24 approximately 10,000 violent crimes were committed against
25 elderly victims in 1985.

26 (4) That while the elderly may not be the most frequent targets
27 of crime, when they are victimized the impact of each vicious
28 attack has long-lasting effects. Injuries involving, for example, a
29 broken hip may never heal properly and often leave the victim
30 physically impaired. The loss of money used for food and other
31 daily living expenses for these costs may be life-threatening for
32 the older citizen on a fixed income. In addition, stolen or damaged
33 property often cannot be replaced.

34 (5) Although the State of California currently funds programs
35 to provide assistance to victims of crime and to provide general
36 crime prevention information, there are limited specialized efforts
37 to respond directly to the needs of elderly victims or to provide
38 prevention services tailored for the senior population.

39 (b) It is the intent of the Legislature that victim services, crime
40 prevention, and criminal justice training programs funded by the

1 ~~agency or agencies designated by the Director of Finance pursuant~~
2 ~~to Section 13820~~ shall include, consistent with available resources,
3 specialized components that respond to the diverse needs of elderly
4 citizens residing in the state.

5 SEC. 220. Section 13823.3 of the Penal Code is amended to
6 read:

7 13823.3. The ~~office~~ *agency* may expend funds for local
8 domestic violence programs, subject to the availability of funds
9 therefor.

10 SEC. 221. Section 13823.4 of the Penal Code is amended to
11 read:

12 13823.4. (a) The Legislature finds the problem of family
13 violence to be of serious and increasing magnitude. The Legislature
14 also finds that acts of family violence often result in other crimes
15 and social problems.

16 (b) There is in the ~~agency or agencies designated by the Director~~
17 ~~of Finance pursuant to Section 13820~~, a Family Violence
18 Prevention Program. This program shall provide financial and
19 technical assistance to local domestic and family violence centers
20 in implementing family violence prevention programs.

21 The goals and functions of the program shall include all of the
22 following:

23 (1) Promotion of community involvement through public
24 education geared specifically toward reaching and educating the
25 friends and neighbors of members of violent families.

26 (2) Development and dissemination of model protocols for the
27 training of criminal justice system personnel in domestic violence
28 intervention and prevention.

29 (3) Increasing citizen involvement in family violence prevention.

30 (4) Identification and testing of family violence prevention
31 models.

32 (5) Replication of successful models, as appropriate, through
33 the state.

34 (6) Identification and testing of domestic violence model
35 protocols and intervention systems in major service delivery
36 institutions.

37 (7) Development of informational materials and seminars to
38 enable emulation or adaptation of the models by other communities.

39 (8) Provision of domestic violence prevention education and
40 skills to students in schools.

(c) The ~~executive director~~ *secretary* shall allocate funds to local centers meeting the criteria for funding that shall be established by the agency or agencies designated by the Director of Finance pursuant to Section 13820 in consultation with practitioners and experts in the field of family violence prevention. All centers receiving funds pursuant to this section shall have had an ongoing recognized program, supported by either public or private funds, dealing with an aspect of family violence, for at least two years prior to the date specified for submission of applications for funding pursuant to this section. All centers funded pursuant to this section shall utilize volunteers to the greatest extent possible.

The centers may seek, receive, and make use of any funds which may be available from all public and private sources to augment any state funds received pursuant to this section. Sixty percent of the state funds received pursuant to this section shall be used to develop and implement model program protocols and materials. Forty percent of the state funds received pursuant to this section shall be allocated to programs to disseminate model program protocols and materials. Dissemination shall include training for domestic violence agencies in California. Each of the programs funded under this section shall focus on no more than two targeted areas. These targeted model areas shall be determined by the agency or agencies designated by the Director of Finance pursuant to Section 13820 in consultation with practitioners and experts in the field of domestic violence, using the domestic violence model priorities survey of the California Alliance Against Domestic Violence.

Centers receiving funding shall provide matching funds of at least 10 percent of the funds received pursuant to this section.

(d) The ~~agency or agencies designated by the Director of Finance pursuant to Section 13820~~ shall develop and disseminate throughout the state information and materials concerning family violence prevention, including, but not limited to, a procedures manual on prevention models. The ~~agency or agencies designated by the Director of Finance pursuant to Section 13820~~ shall also establish a resource center for the collection, retention, and distribution of educational materials related to family violence and its prevention.

SEC. 222. Section 13823.5 of the Penal Code is amended to read:

1 13823.5. (a) ~~The agency or agencies designated by the Director~~
2 ~~of Finance pursuant to Section 13820~~, with the assistance of the
3 advisory committee established pursuant to Section 13836, shall
4 establish a protocol for the examination and treatment of victims
5 of sexual assault and attempted sexual assault, including child
6 molestation, and the collection and preservation of evidence
7 therefrom. The protocol shall contain recommended methods for
8 meeting the standards specified in Section 13823.11.

9 (b) ~~In addition to the protocol, the agency or agencies designated~~
10 ~~by the Director of Finance pursuant to Section 13820~~ shall develop
11 informational guidelines, containing general reference information
12 on evidence collection, examination of victims and psychological
13 and medical treatment for victims of sexual assault and attempted
14 sexual assault, including child molestation.

15 In developing the protocol and the informational guidelines, the
16 ~~agency or agencies designated by the Director of Finance pursuant~~
17 ~~to Section 13820~~ and the advisory committee shall seek the
18 assistance and guidance of organizations assisting victims of sexual
19 assault; qualified health care professionals, criminalists, and
20 administrators who are familiar with emergency room procedures;
21 victims of sexual assault; and law enforcement officials.

22 (c) ~~The agency or agencies designated by the Director of Finance~~
23 ~~pursuant to Section 13820~~, in cooperation with the State
24 Department of Health Services and the Department of Justice, shall
25 adopt a standard and a complete form or forms for the recording
26 of medical and physical evidence data disclosed by a victim of
27 sexual assault or attempted sexual assault, including child
28 molestation.

29 Each qualified health care professional who conducts an
30 examination for evidence of a sexual assault or an attempted sexual
31 assault, including child molestation, shall use the standard form
32 adopted pursuant to this section, and shall make those observations
33 and perform those tests as may be required for recording of the
34 data required by the form. The forms shall be subject to the same
35 principles of confidentiality applicable to other medical records.

36 ~~The agency or agencies designated by the Director of Finance~~
37 ~~pursuant to Section 13820~~ shall make copies of the standard form
38 or forms available to every public or private general acute care
39 hospital, as requested.

1 The standard form shall be used to satisfy the reporting
2 requirements specified in Sections 11160 and 11161 in cases of
3 sexual assault, and may be used in lieu of the form specified in
4 Section 11168 for reports of child abuse.

5 (d) The agency ~~or agencies designated by the Director of Finance~~
6 ~~pursuant to Section 13820~~ shall distribute copies of the protocol
7 and the informational guidelines to every general acute care
8 hospital, law enforcement agency, and prosecutor's office in the
9 state.

10 (e) As used in this chapter, "qualified health care professional"
11 means a physician and surgeon currently licensed pursuant to
12 Chapter 5 (commencing with Section 2000) of Division 2 of the
13 Business and Professions Code, or a nurse currently licensed
14 pursuant to Chapter 6 (commencing with Section 2700) of Division
15 2 of the Business and Professions Code and working in consultation
16 with a physician and surgeon who conducts examinations or
17 provides treatment as described in Section 13823.9 in a general
18 acute care hospital or in a physician and surgeon's office.

19 SEC. 223. Section 13823.6 of the Penal Code is amended to
20 read:

21 13823.6. The ~~office~~ agency may secure grants, donations, or
22 other funding for the purpose of funding any statewide task force
23 on sexual assault of children that may be established and
24 administered by the Department of Justice.

25 SEC. 224. Section 13823.9 of the Penal Code is amended to
26 read:

27 13823.9. (a) Every public or private general acute care hospital
28 that examines a victim of sexual assault or attempted sexual assault,
29 including child molestation, shall comply with the standards
30 specified in Section 13823.11 and the protocol and guidelines
31 adopted pursuant to Section 13823.5.

32 (b) Each county with a population of more than 100,000 shall
33 arrange that professional personnel trained in the examination of
34 victims of sexual assault, including child molestation, shall be
35 present or on call either in the county hospital which provides
36 emergency medical services or in any general acute care hospital
37 which has contracted with the county to provide emergency
38 medical services. In counties with a population of 1,000,000 or
39 more, the presence of these professional personnel shall be arranged

1 in at least one general acute care hospital for each 1,000,000
2 persons in the county.

3 (c) Each county shall designate at least one general acute care
4 hospital to perform examinations on victims of sexual assault,
5 including child molestation.

6 (d) (1) The protocol published by the agency ~~or agencies~~
7 ~~designated by the Director of Finance pursuant to Section 13820~~
8 shall be used as a guide for the procedures to be used by every
9 public or private general acute care hospital in the state for the
10 examination and treatment of victims of sexual assault and
11 attempted sexual assault, including child molestation, and the
12 collection and preservation of evidence therefrom.

13 (2) The informational guide developed by the agency ~~or agencies~~
14 ~~designated by the Director of Finance pursuant to Section 13820~~
15 shall be consulted where indicated in the protocol, as well as to
16 gain knowledge about all aspects of examination and treatment of
17 victims of sexual assault and child molestation.

18 SEC. 225. Section 13823.93 of the Penal Code is amended to
19 read:

20 13823.93. (a) For purposes of this section, the following
21 definitions apply:

22 (1) "Medical personnel" includes physicians, nurse practitioners,
23 physician assistants, nurses, and other health care providers, as
24 appropriate.

25 (2) To "perform a medical evidentiary examination" means to
26 evaluate, collect, preserve, and document evidence, interpret
27 findings, and document examination results.

28 (b) To ensure the delivery of standardized curriculum, essential
29 for consistent examination procedures throughout the state, one
30 hospital-based training center shall be established through a
31 competitive bidding process, to train medical personnel on how
32 to perform medical evidentiary examinations for victims of child
33 abuse or neglect, sexual assault, domestic violence, elder abuse,
34 and abuse or assault perpetrated against persons with disabilities.
35 The center also shall provide training for investigative and court
36 personnel involved in dependency and criminal proceedings, on
37 how to interpret the findings of medical evidentiary examinations.

38 The training provided by the training center shall be made
39 available to medical personnel, law enforcement, and the courts
40 throughout the state.

1 (c) The training center shall meet all of the following criteria:

2 (1) Recognized expertise and experience in providing medical
3 evidentiary examinations for victims of child abuse or neglect,
4 sexual assault, domestic violence, elder abuse, and abuse or assault
5 perpetrated against persons with disabilities.

6 (2) Recognized expertise and experience implementing the
7 protocol established pursuant to Section 13823.5.

8 (3) History of providing training, including, but not limited to,
9 the clinical supervision of trainees and the evaluation of clinical
10 competency.

11 (4) Recognized expertise and experience in the use of advanced
12 medical technology and training in the evaluation of victims of
13 child abuse or neglect, sexual assault, domestic violence, elder
14 abuse, and abuse or assault perpetrated against persons with
15 disabilities.

16 (5) Significant history in working with professionals in the field
17 of criminalistics.

18 (6) Established relationships with local crime laboratories,
19 clinical laboratories, law enforcement agencies, district attorneys'
20 offices, child protective services, victim advocacy programs, and
21 federal investigative agencies.

22 (7) The capacity for developing a telecommunication network
23 between primary, secondary, and tertiary medical providers.

24 (8) History of leadership in working collaboratively with medical
25 forensic experts, criminal justice experts, investigative social
26 worker experts, state criminal justice, social services, health and
27 mental health agencies, and statewide professional associations
28 representing the various disciplines, especially those specified in
29 paragraph (6) of subdivision (d).

30 (9) History of leadership in working collaboratively with state
31 and local victim advocacy organizations, especially those
32 addressing sexual assault and domestic violence.

33 (10) History and experience in the development and delivery
34 of standardized curriculum for forensic medical experts, criminal
35 justice professionals, and investigative social workers.

36 (11) History of research, particularly involving databases, in
37 the area of child physical and sexual abuse, sexual assault, elder
38 abuse, or domestic violence.

39 (d) The training center shall do all of the following:

1 (1) Develop and implement a standardized training program for
2 medical personnel that has been reviewed and approved by a
3 multidisciplinary peer review committee.

4 (2) Develop a telecommunication system network between the
5 training center and other areas of the state, including rural and
6 mid-sized counties. This service shall provide case consultation to
7 medical personnel, law enforcement, and the courts and provide
8 continuing medical education.

9 (3) Provide ongoing basic, advanced, and specialized training
10 programs.

11 (4) Develop guidelines for the reporting and management of
12 child physical abuse and neglect, domestic violence, and elder
13 abuse.

14 (5) Develop guidelines for evaluating the results of training for
15 the medical personnel performing examinations.

16 (6) Provide standardized training for law enforcement officers,
17 district attorneys, public defenders, investigative social workers,
18 and judges on medical evidentiary examination procedures and
19 the interpretation of findings. This training shall be developed and
20 implemented in collaboration with the Peace Officer Standards
21 and Training Program, the California District Attorney's
22 Association, the California Peace Officers Association, the
23 California Police Chiefs Association, the California State Sheriffs
24 Association, the California Association of Crime Laboratory
25 Directors, the California Sexual Assault Investigators Association,
26 the California Alliance Against Domestic Violence, the Statewide
27 California Coalition for Battered Women, the Family Violence
28 Prevention Fund, child victim advocacy organizations, the
29 California Welfare Directors Association, the California Coalition
30 Against Sexual Assault, the Department of Justice, the agency-~~or~~
31 ~~agencies designated by the Director of Finance pursuant to Section~~
32 ~~13820~~, the Child Welfare Training Program, and the University
33 of California extension programs.

34 (7) Promote an interdisciplinary approach in the assessment and
35 management of child abuse and neglect, sexual assault, elder abuse,
36 domestic violence, and abuse or assault against persons with
37 disabilities.

38 (8) Provide training in the dynamics of victimization, including,
39 but not limited to, rape trauma syndrome, intimate partner battering
40 and its effects, the effects of child abuse and neglect, and the

1 various aspects of elder abuse. This training shall be provided by
2 individuals who are recognized as experts within their respective
3 disciplines.

4 (e) Nothing in this section shall be construed to change the scope
5 of practice for any health care provider, as defined in other
6 provisions of law.

7 SEC. 226. Section 13823.12 of the Penal Code is amended to
8 read:

9 13823.12. Failure to comply fully with Section 13823.11 or
10 with the protocol or guidelines, or to utilize the form established
11 by the agency ~~or agencies designated by the Director of Finance~~
12 ~~pursuant to Section 13820~~, shall not constitute grounds to exclude
13 evidence, nor shall the court instruct or comment to the trier of
14 fact in any case that less weight may be given to the evidence based
15 on the failure to comply.

16 SEC. 227. Section 13823.13 of the Penal Code is amended to
17 read:

18 13823.13. (a) The agency ~~or agencies designated by the~~
19 ~~Director of Finance pursuant to Section 13820~~ shall develop a
20 course of training for qualified health care professionals relating
21 to the examination and treatment of victims of sexual assault. In
22 developing the curriculum for the course, the agency ~~or agencies~~
23 ~~designated by the Director of Finance pursuant to Section 13820~~
24 shall consult with health care professionals and appropriate law
25 enforcement agencies. The agency ~~or agencies designated by the~~
26 ~~Director of Finance pursuant to Section 13820~~ shall also obtain
27 recommendations from the same health care professionals and
28 appropriate law enforcement agencies on the best means to
29 disseminate the course of training on a statewide basis.

30 (b) The training course developed pursuant to subdivision (a)
31 shall be designed to train qualified health care professionals to do
32 all of the following:

33 (1) Perform a health assessment of victims of sexual assault in
34 accordance with any applicable minimum standards set forth in
35 Section 13823.11.

36 (2) Collect and document physical and laboratory evidence in
37 accordance with any applicable minimum standards set forth in
38 Section 13823.11.

39 (3) Provide information and referrals to victims of sexual assault
40 to enhance the continuity of care of victims.

1 (4) Present testimony in court.

2 (c) As used in this section, “qualified health care professional”
3 means a physician and surgeon currently licensed pursuant to
4 Chapter 5 (commencing with Section 2000) of Division 2 of the
5 Business and Professions Code, or a nurse currently licensed
6 pursuant to Chapter 6 (commencing with Section 2700) of Division
7 2 of the Business and Professions Code who works in consultation
8 with a physician and surgeon or who conducts examinations
9 described in Section 13823.9 in a general acute care hospital or in
10 the office of a physician and surgeon.

11 (d) As used in this section, “appropriate law enforcement
12 agencies” may include, but shall not be limited to, the Attorney
13 General of the State of California, any district attorney, and any
14 agency of the State of California expressly authorized by statute
15 to investigate or prosecute law violators.

16 SEC. 228. Section 13825 of the Penal Code is amended to read:

17 13825. The State Graffiti Clearinghouse is hereby created in
18 the ~~agency or agencies designated by the Director of Finance~~
19 ~~pursuant to Section 13820~~. The State Graffiti Clearinghouse shall
20 do all of the following, subject to federal funding:

21 (a) Assess and estimate the present costs to state and local
22 agencies for graffiti abatement.

23 (b) Award grants to state and local agencies that have
24 demonstrated implementation of effective graffiti reduction and
25 abatement programs.

26 (c) Receive and disburse funds to effectuate the purposes of the
27 clearinghouse.

28 SEC. 229. Section 13826.1 of the Penal Code is amended to
29 read:

30 13826.1. (a) There is hereby established in the ~~agency or~~
31 ~~agencies designated by the Director of Finance pursuant to Section~~
32 ~~13820~~, the Gang Violence Suppression Program, a program of
33 financial and technical assistance for district attorneys’ offices,
34 local law enforcement agencies, county probation departments,
35 school districts, county offices of education, or any consortium
36 thereof, and community-based organizations which are primarily
37 engaged in the suppression of gang violence. All funds appropriated
38 to the ~~agency or agencies designated by the Director of Finance~~
39 ~~pursuant to Section 13820~~ for the purposes of this chapter shall be
40 administered and disbursed by the ~~executive director of the agency~~

1 ~~or agencies designated by the Director of Finance pursuant to~~
2 ~~Section 13820~~ *secretary* in consultation with the California Council
3 on Criminal Justice, and shall to the greatest extent feasible be
4 coordinated or consolidated with federal funds that may be made
5 available for these purposes.

6 (b) ~~The executive director~~ *secretary* is authorized to allocate
7 and award funds to cities, counties, school districts, county offices
8 of education, or any consortium thereof, and community-based
9 organizations in which gang violence suppression programs are
10 established in substantial compliance with the policies and criteria
11 set forth in this chapter.

12 (c) The allocation and award of funds shall be made on the
13 application of the district attorney, chief law enforcement officer,
14 or chief probation officer of the applicant unit of government and
15 approved by the legislative body, on the application of school
16 districts, county offices of education, or any consortium thereof,
17 or on the application of the chief executive of a community-based
18 organization. All programs funded pursuant to this chapter shall
19 work cooperatively to ensure the highest quality provision of
20 services and to reduce unnecessary duplication. Funds disbursed
21 under this chapter shall not supplant local funds that would, in the
22 absence of the Gang Violence Suppression Program, be made
23 available to support the activities set forth in this chapter. Funds
24 awarded under this program as local assistance grants shall not be
25 subject to review as specified in Section 10295 of the Public
26 Contract Code.

27 (d) ~~The executive director~~ *secretary* shall prepare and issue
28 written program and administrative guidelines and procedures for
29 the Gang Violence Suppression Program, consistent with this
30 chapter. These guidelines shall set forth the terms and conditions
31 upon which the agency ~~or agencies designated by the Director of~~
32 ~~Finance pursuant to Section 13820~~ is prepared to offer grants of
33 funds pursuant to statutory authority. The guidelines do not
34 constitute rules, regulations, orders, or standards of general
35 application.

36 (e) Annually, commencing November 1, 1984, ~~the executive~~
37 ~~director~~ *secretary* shall prepare a report to the Legislature
38 describing in detail the operation of the statewide program and the
39 results obtained by district attorneys' offices, local law enforcement
40 agencies, county probation departments, school districts, county

1 offices of education, or any consortium thereof, and
2 community-based organizations receiving funds under this chapter
3 and under comparable federally financed awards.

4 (f) Criteria for selection of district attorneys' offices, local law
5 enforcement agencies, county probation departments, school
6 districts, county offices of education, or any consortium thereof,
7 and community-based organizations to receive gang violence
8 suppression funding shall be developed in consultation with the
9 Gang Violence Suppression Advisory Committee whose members
10 shall be appointed by the ~~Executive Director of the agency or~~
11 ~~agencies designated by the Director of Finance pursuant to Section~~
12 ~~13820~~ *secretary*, unless otherwise designated.

13 (g) The Gang Violence Suppression Advisory Committee shall
14 be composed of five district attorneys; two chief probation officers;
15 two representatives of community-based organizations; three
16 attorneys primarily engaged in the practice of juvenile criminal
17 defense; three law enforcement officials with expertise in
18 gang-related investigations; one member from the California Youth
19 Authority Gang Task Force nominated by the Director of the
20 California Youth Authority; one member of the Department of
21 Corrections Law Enforcement Liaison Unit nominated by the
22 Director of the Department of Corrections; one member from the
23 Department of Justice nominated by the Attorney General; the
24 Superintendent of Public Instruction, or his or her designee; one
25 member of the California School Boards Association; and one
26 representative of a school program specializing in the education
27 of the target population identified in this chapter.

28 Five members of the Gang Violence Suppression Advisory
29 Committee appointed by the ~~Executive Director of the agency or~~
30 ~~agencies designated by the Director of Finance pursuant to Section~~
31 ~~13820~~ *secretary* shall be from rural or predominately suburban
32 counties and shall be designated by the Executive Director as
33 comprising the Rural Gang Task Force Subcommittee.

34 The Rural Gang Task Force Subcommittee, in coordination with
35 the Gang Violence Suppression Advisory Committee and the
36 ~~agency or agencies designated by the Director of Finance pursuant~~
37 ~~to Section 13820~~, shall review the Gang Violence Suppression
38 Program participation requirements and recommend changes in
39 the requirements which recognize the unique conditions and
40 constraints that exist in small rural jurisdictions and enhance the

1 ability of small rural jurisdictions to participate in the Gang
2 Violence Suppression Program.

3 ~~(h) The Director of the agency or agencies designated by the~~
4 ~~Director of Finance pursuant to Section 13820~~ *secretary* shall
5 designate a staff member in the Gang Violence Suppression
6 Program to act as the Rural Gang Prevention Coordinator and to
7 provide technical assistance and outreach to rural jurisdictions
8 with emerging gang activities. It is the intent of the Legislature
9 that compliance with this subdivision not necessitate an additional
10 staff person.

11 (i) This section shall be operative January 1, 1994.

12 SEC. 230. Section 13826.15 of the Penal Code is amended to
13 read:

14 13826.15. (a) The Legislature hereby finds and declares that
15 the implementation of the Gang Violence Suppression Program,
16 as provided in this chapter, has made a positive impact in the battle
17 against crimes committed by gang members in California.

18 The Legislature further finds and declares that the program,
19 when it was originally created in 1981, provided financial and
20 technical assistance only for district attorneys' offices. Since that
21 time, however, the provisions of the program have been amended
22 by the Legislature to enable additional public entities and
23 community-based organizations to participate in the program. In
24 this respect, ~~the agency or agencies designated by the Director of~~
25 ~~Finance pursuant to Section 13820~~, pursuant to Section 13826.1,
26 administers funding for the program by awarding grants to worthy
27 applicants. Therefore, it is the intent of the Legislature in enacting
28 this measure to assist ~~the agency or agencies designated by the~~
29 ~~Director of Finance pursuant to Section 13820~~ in setting forth
30 guidelines for this funding.

31 (b) ~~The agency or agencies designated by the Director of Finance~~
32 ~~pursuant to Section 13820~~ may give priority to applicants for new
33 grant awards, as follows:

34 (1) First priority may be given to applicants representing
35 unfunded single components, as specified in Sections 13826.2,
36 13826.4, 13826.5, 13826.6, and 13826.65, in those counties that
37 receive Gang Violence Suppression Program funding for some,
38 but not all, of the program's components. The purpose of
39 establishing this priority is to provide funding for a full complement

1 of the five Gang Violence Suppression Program components in
2 those counties that have less than all five components established.

3 (2) Second priority may be given to those applicants that propose
4 a multiagency, or multijurisdictional single component project,
5 whereby more than one agency would be funded as a joint project
6 under the single components specified in Sections 13826.2,
7 13826.4, 13826.5, 13826.6, and 13826.65, and the funding would
8 be provided through a single grant award.

9 (3) Third priority may be given to applicants that propose
10 multijurisdictional multicomponent projects, whereby all five Gang
11 Violence Suppression Program components, as specified in
12 Sections 13826.2, 13826.4, 13826.5, 13826.6, and 13826.65, would
13 be funded in a county that does not currently receive Gang Violence
14 Suppression Program funds.

15 (4) Fourth priority may be given to those single agency single
16 component applicants, in counties wherein the program component
17 is not currently funded.

18 (c) ~~The agency or agencies designated by the Director of Finance~~
19 ~~pursuant to Section 13820~~ shall consider the unique needs of, and
20 circumstances of jurisdiction in, rural and suburban counties when
21 awarding new grant funds.

22 SEC. 231. Section 13826.62 of the Penal Code is amended to
23 read:

24 13826.62. (a) There is hereby established in the agency ~~or~~
25 ~~agencies designated by the Director of Finance pursuant to Section~~
26 ~~13820~~, the Urban Corps Program. The Urban Corps Program is
27 established as an optional activity under Section 13826.6.
28 Community-based organizations receiving grants to participate in
29 the Urban Corps Program shall implement the following activities:

30 (1) Identification of publicly and privately administered
31 programs in the county dealing with the suppression or prevention
32 of criminal gang activities, or both.

33 (2) Maintenance of a listing of programs within the county
34 identified as dealing with the suppression or prevention of criminal
35 gang activities, or both.

36 (3) Surveying gang suppression and prevention organizations
37 for the types of services and activities each is engaged in, and
38 identifying needs among these organizations for resources to
39 provide services and fulfill their activities.

1 (4) Recruitment of volunteers, identification of their skills,
2 abilities and interests, and matching volunteers with the resources
3 needs of gang prevention and suppression organizations.

4 (5) Establishment of an urban respite program for the purpose
5 of preventing self-destructive activities and diverting (A) identified
6 youth gang members, and (B) youths who are at risk of becoming
7 gang members, for the purposes of reducing or eliminating
8 incentives for those youths to participate in gang-related crime
9 activities.

10 (b) The Urban Corps Program shall operate within the agency
11 ~~or agencies designated by the Director of Finance pursuant to~~
12 ~~Section 13820~~ for two years following the establishment of a
13 contract with a community-based organization to administer the
14 program.

15 (c) This section shall be implemented to the extent that funds
16 are available to the agency ~~or agencies designated by the Director~~
17 ~~of Finance pursuant to Section 13820~~ for this purpose.

18 SEC. 232. Section 13826.7 of the Penal Code is amended to
19 read:

20 13826.7. The agency ~~or agencies designated by the Director~~
21 ~~of Finance pursuant to Section 13820~~ and the California Council
22 on Criminal Justice are encouraged to utilize any federal funds
23 that may become available for purposes of this chapter. This
24 chapter becomes operative only if federal funds are made available
25 for its implementation.

26 SEC. 233. Section 13827 of the Penal Code is amended to read:

27 13827. (a) There is within the ~~Governor's Office of Emergency~~
28 ~~Services~~ agency, the Office of Gang and Youth Violence Policy.

29 (b) (1) The Office of Gang and Youth Violence Policy shall be
30 responsible for identifying and evaluating state, local, and federal
31 gang and youth violence suppression, intervention, and prevention
32 programs and strategies, along with funding for those efforts. The
33 director shall be responsible for monitoring, assessing, and
34 coordinating the state's programs, strategies, and funding that
35 address gang and youth violence in a manner that maximizes the
36 effectiveness and coordination of those programs, strategies, and
37 resources. ~~The director~~ secretary shall communicate with local
38 agencies and programs in an effort to promote the best practices
39 for addressing gang and youth violence through suppression,
40 intervention, and prevention.

1 (2) The ~~office~~ *agency* shall develop a comprehensive set of
2 recommendations to define its mission, role, and responsibilities
3 as a statewide entity dedicated to reducing violence and the
4 proliferation of gangs and gang violence in California communities.

5 (3) In developing this set of recommendations, the ~~office~~ *agency*
6 shall collaborate with a wide range of state and local stakeholders,
7 including, but not limited to, community-based organizations
8 serving at-risk populations and neighborhoods, law enforcement,
9 educators, the courts, policy experts and scholars with expertise
10 in the area of criminal street gangs, and local policymakers.

11 (4) The ~~office~~ *agency*, in collaboration with the stakeholders
12 specified in paragraph (3), shall include in its deliberations the
13 most effective role for the office with respect to the following:

14 (A) The collection and analysis of data on gang membership
15 statewide and the effectiveness of various gang prevention efforts.

16 (B) The development of reliable and accurate sources of data
17 to measure the scale and characteristics of California's gang
18 problems.

19 (C) The development of a clearinghouse for research on gangs,
20 at-risk youth, and prevention and intervention programs in order
21 to identify best practices and evidence-based programming, as
22 well as unsuccessful practices, and in order to promote effective
23 strategies for reducing gang involvement and gang violence.

24 (D) Assisting state and local governmental and nongovernmental
25 entities in developing violence and gang prevention strategies,
26 including built-in evaluation components.

27 (E) The development of sustained coordination mechanisms
28 among state, local, and regional entities.

29 (F) The identification of available or needed federal, state,
30 regional, local, and private funding resources.

31 (G) Providing or otherwise promoting public education on
32 effective programs, models, and strategies for the control of
33 violence and serving as a clearinghouse for information on gang
34 violence prevention issues, programs, resources, and research.

35 (H) Providing or otherwise promoting training and technical
36 assistance to help build the capacity of organizations, communities,
37 and local government to develop, implement, and evaluate gang
38 violence prevention programs.

1 (I) Providing information and guidance to state and local
2 governmental and nongovernmental entities on accessing state and
3 federal resources to prevent gang violence.

4 (J) Facilitating greater integration between existing entities with
5 respect to gang prevention efforts.

6 SEC. 234. Section 13827.1 of the Penal Code is amended to
7 read:

8 13827.1. There is within the ~~Office of Emergency Services~~
9 *agency*, the following offices:

10 (a) Director of the Office of Gang and Youth Violence Policy.
11 The director shall report directly to the office of the Governor.

12 (b) Chief Deputy Director of Gang and Youth Violence Policy.

13 SEC. 235. Section 13827.2 of the Penal Code is amended to
14 read:

15 13827.2. The Office of Gang and Youth Violence Policy shall
16 establish an Internet Web site, in coordination with the ~~Office of~~
17 ~~Emergency Services~~ *agency*, that provides an Internet hyperlink
18 to the various grants administered by the ~~Office of Emergency~~
19 ~~Services~~ *agency* and technical assistance on the process for
20 applying for grants.

21 SEC. 236. Section 13830 of the Penal Code is amended to read:

22 13830. There is hereby created in state government a Judicial
23 Criminal Justice Planning Committee of seven members. The
24 Judicial Council shall appoint the members of the committee who
25 shall hold office at its pleasure. In this respect the Legislature finds
26 as follows:

27 (a) The California court system has a constitutionally established
28 independence under the judicial and separation of power clauses
29 of the State Constitution.

30 (b) The California court system has a statewide structure created
31 under the Constitution, state statutes and state court rules, and the
32 Judicial Council of California is the constitutionally established
33 state agency having responsibility for the operation of that
34 structure.

35 (c) The California court system will be directly affected by the
36 criminal justice planning that will be done under this title and by
37 the federal grants that will be made to implement that planning.

38 (d) For effective planning and implementation of court projects
39 it is essential that the agency ~~or agencies designated by the Director~~

1 of Finance pursuant to Section 13820 have the advice and
2 assistance of a state judicial system planning committee.

3 SEC. 237. Section 13832 of the Penal Code is amended to read:

4 13832. The agency ~~or agencies designated by the Director of~~
5 ~~Finance pursuant to Section 13820~~ shall consult with, and shall
6 seek the advice of, the Judicial Criminal Justice Planning
7 Committee in carrying out its functions under Chapter 3 of this
8 title insofar as they affect the California court system.

9 In addition, any grant of federal funds made or approved by the
10 office which is to be implemented in the California court system
11 shall be submitted to the Judicial Criminal Justice Planning
12 Committee for its review and recommendations before being
13 presented to the California Council on Criminal Justice for its
14 action.

15 SEC. 238. Section 13833 of the Penal Code is amended to read:

16 13833. The expenses necessarily incurred by the members of
17 the Judicial Criminal Justice Planning Committee in the
18 performance of their duties under this title shall be paid by the
19 Judicial Council, but it shall be reimbursed by the agency ~~or~~
20 ~~agencies designated by the Director of Finance pursuant to Section~~
21 ~~13820~~ to the extent that federal funds can be made available for
22 that purpose. Staff support for the committee's activities shall be
23 provided by the Judicial Council, but the cost of that staff support
24 shall be reimbursed by the agency ~~or agencies designated by the~~
25 ~~Director of Finance pursuant to Section 13820~~ to the extent that
26 federal funds can be made available for that purpose.

27 SEC. 239. Section 13835.2 of the Penal Code is amended to
28 read:

29 13835.2. (a) Funds appropriated from the Victim-Witness
30 Assistance Fund shall be made available through the agency ~~or~~
31 ~~agencies designated by the Director of Finance pursuant to Section~~
32 ~~13820~~ to any public or private nonprofit agency for the assistance
33 of victims and witnesses that meets all of the following
34 requirements:

35 (1) It provides comprehensive services to victims and witnesses
36 of all types of crime. It is the intent of the Legislature to make
37 funds available only to programs that do not restrict services to
38 victims and witnesses of a particular type of crime, and do not
39 restrict services to victims of crime in which there is a suspect in
40 the case.

1 (2) It is recognized by the board of supervisors as the major
2 provider of comprehensive services to victims and witnesses in
3 the county.

4 (3) It is selected by the board of supervisors as the agency to
5 receive funds pursuant to this article.

6 (4) It assists victims of crime in the preparation, verification,
7 and presentation of their claims to the California Victim
8 Compensation and Government Claims Board for indemnification
9 pursuant to Article 1 (commencing with Section 13959) of Part 4
10 of Division 3 of Title 2 of the Government Code.

11 (5) It cooperates with the California Victim Compensation and
12 Government Claims Board in verifying the data required by Article
13 1 (commencing with Section 13959) of Part 4 of Division 3 of
14 Title 2 of the Government Code.

15 ~~(b) The agency or agencies designated by the Director of Finance~~
16 ~~pursuant to Section 13820 shall consider the following factors,~~
17 ~~together with any other circumstances it deems appropriate, in~~
18 ~~awarding funds to public or private nonprofit agencies designated~~
19 ~~as victim and witness assistance centers:~~

20 (1) The capability of the agency to provide comprehensive
21 services as defined in this article.

22 (2) The stated goals and objectives of the center.

23 (3) The number of people to be served and the needs of the
24 community.

25 (4) Evidence of community support.

26 (5) The organizational structure of the agency that will operate
27 the center.

28 (6) The capability of the agency to provide confidentiality of
29 records.

30 ~~(e) The agency or agencies designated by the Director of Finance~~
31 ~~pursuant to Section 13820 shall conduct an evaluation of the~~
32 ~~activities and performance of the centers established pursuant to~~
33 ~~Chapter 1256 of the Statutes of 1977 to determine their ability to~~
34 ~~comply with the intent of this article, and shall report the findings~~
35 ~~thereon to the Legislature by January 1, 1985.~~

36 SEC. 240. Section 13835.6 of the Penal Code is amended to
37 read:

38 13835.6. (a) ~~The agency or agencies designated by the Director~~
39 ~~of Finance pursuant to Section 13820, in cooperation with~~
40 ~~representatives from local victim and witness assistance centers,~~

1 shall develop standards defining the activities and services
2 enumerated in this article.

3 (b) ~~The agency or agencies designated by the Director of Finance~~
4 ~~pursuant to Section 13820~~, in cooperation with representatives
5 from local victim and witness assistance centers, shall develop a
6 method of evaluating the activities and performance of centers
7 established pursuant to this article.

8 ~~By January 1, 1985, the agency or agencies designated by the~~
9 ~~Director of Finance pursuant to Section 13820 shall prepare and~~
10 ~~submit to the Legislature a report summarizing the effectiveness~~
11 ~~of victim and witness assistance centers established pursuant to~~
12 ~~this article. That report shall include, but not be limited to, the~~
13 ~~effectiveness in achieving the functions and the services~~
14 ~~enumerated in the article.~~

15 SEC. 241. Section 13835.7 of the Penal Code is amended to
16 read:

17 13835.7. There is in the State Treasury the Victim-Witness
18 Assistance Fund. Funds appropriated thereto shall be dispensed
19 to the ~~agency or agencies designated by the Director of Finance~~
20 ~~pursuant to Section 13820~~ exclusively for the purposes specified
21 in this article and for the support of the centers specified in Section
22 13837.

23 SEC. 242. Section 13835.10 of the Penal Code is amended to
24 read:

25 13835.10. (a) The Legislature finds and declares all of the
26 following:

27 (1) That the provision of quality services for victims of crime
28 is of high priority.

29 (2) That existing victim service programs do not have sufficient
30 financial resources to consistently recruit and employ fully trained
31 personnel.

32 (3) That there is no consistency in the training provided to the
33 various agencies serving victims.

34 (4) That comprehensive training for victim service agencies is
35 geographically limited or unavailable.

36 (5) That there is currently no statewide comprehensive training
37 system in place for the state to insure that all service providers
38 receive adequate training to provide quality services to victims of
39 crime.

(6) It is the intention of the Legislature to establish a statewide training program within the agency ~~or agencies designated by the Director of Finance pursuant to Section 13820~~ to provide comprehensive standardized training to victim service providers.

(b) The agency ~~or agencies designated by the Director of Finance pursuant to Section 13820~~ shall establish a statewide victim-assistance training program, the purpose of which is to develop minimum training and selection standards, certify training courses, and provide funding to enable local victim service providers to acquire the required training.

(c) (1) For the purpose of raising the level of competence of local victim service providers, the office shall adopt guidelines establishing minimum standards of training for employees of victim-witness and sexual assault programs funded by the office to provide services to victims of crime. The agency ~~or agencies~~ shall establish an advisory committee composed of recognized statewide victim service organizations, representatives of local victim service programs, and others selected at the discretion of the executive director to consult on the research and development of the training, selection, and equivalency standards.

(2) Any local unit of government, community-based organization, or any other public or private nonprofit entity funded by the agency or agencies as a victim-witness or sexual assault program to provide services to victims of crime shall adhere to the training and selection standards established by the agency or agencies. The standards for sexual assault victim service programs developed by the advisory committee established pursuant to Section 13836 shall be the standards for purposes of this section. With the exception of the sexual assault standards, the agency ~~or agencies~~ shall conduct or contract with an appropriate firm or entity for research on validated standards pursuant to this section in consultation with the advisory committee established pursuant to paragraph (1). The agency ~~or agencies~~ may defer the adoption of the selection standards until the necessary research is completed. Until the standards are adopted, affected victim service programs may receive state funding from the agency ~~or agencies~~ upon certification of their willingness to adhere to the training standards adopted by the agency ~~or agencies~~.

1 (3) Minimum training and selection standards may include, but
2 shall not be limited to, basic entry, continuation, supervisory,
3 management, specialized curricula, and confidentiality.

4 (4) Training and selection standards shall apply to all victim
5 service and management personnel of the victim-witness and sexual
6 assault agencies funded by the agency ~~or agencies~~ to provide
7 services to victims of crime. Exemptions from this requirement
8 may be made by the agency ~~or agencies~~. ~~An A victim service~~
9 agency which, despite good faith efforts, is unable to meet the
10 standards established pursuant to this section, may apply to the
11 agency ~~or agencies~~ for an exemption. For the purpose of
12 exemptions, the agency ~~or agencies~~ may establish procedures that
13 allow for partial adherence. The agency ~~or agencies~~ may develop
14 equivalency standards which recognize professional experience,
15 education, training, or a combination of the above, for personnel
16 hired before July 1, 1987.

17 (5) Nothing in this section shall prohibit ~~an a victim service~~
18 agency, funded by the agency ~~or agencies~~ to provide services to
19 victims of crime, from establishing training and selection standards
20 which exceed the minimum standards established by the agency
21 ~~or agencies~~ pursuant to this section.

22 (d) For purposes of implementing this section, the agency ~~or~~
23 ~~agencies~~ has all of the following powers:

24 (1) To approve or certify, or both, training courses selected by
25 the agency ~~or agencies~~.

26 (2) To make those inquiries which may be necessary to
27 determine whether every local unit of government,
28 community-based organization, or any other public or private entity
29 receiving state aid from the agency ~~or agencies~~ as a victim-witness
30 or sexual assault program for the provision of services to victims
31 of crime, is adhering to the standards for training and selection
32 established pursuant to this section.

33 (3) To adopt those guidelines which are necessary to carry out
34 the purposes of this section.

35 (4) To develop or present, or both, training courses for victim
36 service providers, or to contract with coalitions, councils, or other
37 designated entities, to develop or present, or both, those training
38 courses.

39 (5) To perform other activities and studies necessary to carry
40 out the intent of this section.

(e) (1) The agency or agencies may utilize any funds that may become available from the Victim-Witness Assistance Fund to fund the cost of training staff of victim service agencies which are funded by the agency or agencies from the fund. The agency or agencies may utilize federal or other state funds that may become available to fund the cost of training staff of victim service agencies which are not eligible for funding from the Victim-Witness Assistance Fund.

(2) Peace officer personnel whose jurisdictions are eligible for training subvention pursuant to Chapter 1 (commencing with Section 13500) of Title 4 of this part and correctional or probation personnel whose jurisdictions are eligible for state aid pursuant to Article 2 (commencing with Section 6035) of Chapter 5 of Title 7 of Part 3 are not eligible to receive training reimbursements under this section unless the person receiving the training is assigned to provide victim services in accordance with a grant award agreement with the agency or agencies and is attending training to meet the established standards.

SEC. 243. Section 13836 of the Penal Code is amended to read:

~~13836. The agency or agencies designated by the Director of Finance pursuant to Section 13820 shall establish an advisory committee which shall develop a course of training for district attorneys in the investigation and prosecution of sexual assault cases, child sexual exploitation cases, and child sexual abuse cases and shall approve grants awarded pursuant to Section 13837. The courses shall include training in the unique emotional trauma experienced by victims of these crimes.~~

It is the intent of the Legislature in the enactment of this chapter to encourage the establishment of sex crime prosecution units, which shall include, but not be limited to, child sexual exploitation and child sexual abuse cases, in district attorneys' offices throughout the state.

SEC. 244. Section 13836.1 of the Penal Code is amended to read:

13836.1. The committee shall consist of 11 members. Five shall be appointed by the ~~executive director of the agency or agencies designated by the Director of Finance pursuant to Section 13820~~ secretary, and shall include three district attorneys or assistant or deputy district attorneys, one representative of a city police department or a sheriff or a representative of a sheriff's

1 department, and one public defender or assistant or deputy public
2 defender of a county. Six shall be public members appointed by
3 the Commission on the Status of Women, and shall include one
4 representative of a rape crisis center, and one medical professional
5 experienced in dealing with sexual assault trauma victims. The
6 committee members shall represent the points of view of diverse
7 ethnic and language groups.

8 Members of the committee shall receive no compensation for
9 their services but shall be reimbursed for their expenses actually
10 and necessarily incurred by them in the performance of their duties.
11 Staff support for the committee shall be provided by the agency
12 ~~or agencies designated by the Director of Finance pursuant to~~
13 ~~Section 13820.~~

14 SEC. 245. Section 13843 of the Penal Code is amended to read:

15 13843. (a) Allocation and award of funds made available under
16 this chapter shall be made upon application to the agency ~~or~~
17 ~~agencies designated by the Director of Finance pursuant to Section~~
18 ~~13820.~~ All applications shall be reviewed and evaluated by the
19 ~~agency or agencies designated by the Director of Finance pursuant~~
20 ~~to Section 13820.~~

21 (b) ~~The Executive Director of the agency or agencies designated~~
22 ~~by the Director of Finance pursuant to Section 13820~~ *secretary*
23 may allocate and award funds to communities developing and
24 providing ongoing citizen involvement and crime resistance
25 programs in compliance with the established policies and criteria
26 of the ~~agency or agencies designated by the Director of Finance~~
27 ~~pursuant to Section 13820.~~ Applications receiving funding under
28 this section shall be selected from among those deemed appropriate
29 for funding according to the criteria, policy, and procedures
30 established by the ~~agency or agencies designated by the Director~~
31 ~~of Finance pursuant to Section 13820.~~

32 (c) With the exception of funds awarded for programs authorized
33 under paragraph (2) of subdivision (b) of Section 13844, no single
34 award of funds under this chapter shall exceed a maximum of two
35 hundred fifty thousand dollars (\$250,000) for a 12-month grant
36 period.

37 (d) Funds disbursed under this chapter shall not supplant local
38 funds that would, in the absence of the California Community
39 Crime Resistance Program, be made available to support crime
40 resistance programs.

(e) Funds disbursed under this chapter shall be supplemented with local funds constituting, at a minimum, 10 percent of the total crime resistance program budget during the initial year and 20 percent in subsequent periods of funding.

(f) Annually, up to a maximum of 10 percent of the total funds appropriated to the Community Crime Resistance Program may be used by the agency ~~or agencies designated by the Director of Finance pursuant to Section 13820~~ to support statewide technical assistance, training, and public awareness activities relating to crime prevention.

(g) Funds awarded under this program as local assistance grants shall not be subject to review as specified in Section 14780 of the Government Code.

(h) Guidelines shall set forth the terms and conditions upon which the agency ~~or agencies designated by the Director of Finance pursuant to Section 13820~~ is prepared to offer grants of funds pursuant to statutory authority. The guidelines do not constitute rules, regulations, orders or standards of general application.

SEC. 246. Section 13844 of the Penal Code is amended to read:

13844. (a) Use of funds granted under the California Community Crime Resistance Program are restricted to the following activities:

(1) Further the goal of a statewide crime prevention network by supporting the initiation or expansion of local crime prevention efforts.

(2) Provide information and encourage the use of new and innovative refinements to the traditional crime prevention model in localities that currently maintain a well-established crime prevention program.

(3) Support the development of a coordinated service network, including information exchange and case referral between such programs as local victim-witness assistance programs, sexual assault programs, gang violence reduction programs, drug suppression programs, elderly care custodians, state and local elderly service programs, or any other established and recognizable local programs devoted to the lessening of crime and the promotion of the community's well-being.

(b) With respect to the initiation or expansion of local crime prevention efforts, projects supported under the California

1 Community Crime Resistance Program shall do either of the
2 following:

3 (1) Carry out as many of the following activities as deemed, in
4 the judgment of the agency or agencies designated by the Director
5 of Finance pursuant to Section 13820, to be consistent with
6 available resources:

7 (A) Crime prevention programs using tailored outreach
8 techniques in order to provide effective and consistent services for
9 the elderly in the following areas:

10 (i) Crime prevention information to elderly citizens regarding
11 personal safety, fraud, theft, grand theft, burglary, and elderly
12 abuse.

13 (ii) Services designed to respond to the specific and diverse
14 crime prevention needs of elderly residential communities.

15 (iii) Specific services coordinated to assist in the installation of
16 security devices or provision of escort services and victim
17 assistance.

18 (B) Programs to provide training, information, and prevention
19 literature to peace officers, elderly care custodians, health
20 practitioners, and social service providers regarding physical abuse
21 and neglect within residential health care facilities for the elderly.

22 (C) Programs to promote neighborhood involvement such as,
23 but not limited to, block clubs and other community or
24 resident-sponsored anticrime programs.

25 (D) Personal safety programs.

26 (E) Domestic violence prevention programs.

27 (F) Crime prevention programs specifically geared to youth in
28 schools and school district personnel.

29 (G) Programs which make available to residents and businesses
30 information on locking devices, building security and related crime
31 resistance approaches.

32 (H) In cooperation with the Commission on Peace Officer
33 Standards and Training, support for the training of peace officers
34 in crime prevention and its effects on the relationship between
35 citizens and law enforcement.

36 (I) Efforts to address the crime prevention needs of communities
37 with high proportions of teenagers and young adults, low-income
38 families, and non-English-speaking residents, including juvenile
39 delinquency diversion, social service referrals, and making

1 available crime resistance literature in appropriate languages other
2 than English.

3 (2) Implement a community policing program in targeted
4 neighborhoods that are drug infested. The goal of this program
5 shall be to empower the people against illegal drug activity. A
6 program funded pursuant to this chapter shall be able to target one
7 or more neighborhoods within the grant period. In order to be
8 eligible for funding, the program shall have the commitment of
9 the community, local law enforcement, school districts, and
10 community service groups; and shall be supported by either the
11 city council or the board of supervisors, whichever is applicable.

12 (c) With respect to the support of new and innovative techniques,
13 communities taking part in the California Crime Resistance
14 Program shall carry out those activities, as determined by the
15 ~~agency or agencies designated by the Director of Finance pursuant~~
16 ~~to Section 13820~~, that conform to local needs and are consistent
17 with available expertise and resources. These techniques may
18 include, but are not limited to, community policing programs or
19 activities involving the following:

20 (1) Programs to reinforce the security of “latchkey” children,
21 including neighborhood monitoring, special contact telephone
22 numbers, emergency procedure training for the children, daily
23 telephone checks for the children’s well-being, and assistance in
24 developing safe alternatives to unsupervised conditions for
25 children.

26 (2) Programs dedicated to educating parents in procedures
27 designed to do all of the following:

28 (A) Minimize or prevent the abduction of children.

29 (B) Assist children in understanding the risk of child abduction.

30 (C) Maximize the recovery of abducted children.

31 (3) Programs devoted to developing automated systems for
32 monitoring and tracking crimes within organized neighborhoods.

33 (4) Programs devoted to developing timely “feedback
34 mechanisms” whose goals would be to alert residents to new crime
35 problems and to reinforce household participation in neighborhood
36 security organizations.

37 (5) Programs devoted to creating and packaging special crime
38 prevention approaches tailored to the special needs and
39 characteristics of California’s cultural and ethnic minorities.

1 (6) Research into the effectiveness of local crime prevention
2 efforts including the relationships between crime prevention
3 activities, participants' economic and demographic characteristics,
4 project costs, local or regional crime rate, and law enforcement
5 planning and staff deployment.

6 (7) Programs devoted to crime and delinquency prevention
7 through the establishment of partnership initiatives utilizing elderly
8 and juvenile volunteers.

9 (d) All approved programs shall utilize volunteers to assist in
10 implementing and conducting community crime resistance
11 programs. Programs providing elderly crime prevention programs
12 shall recruit senior citizens to assist in providing services.

13 (e) Programs funded pursuant to this chapter shall demonstrate
14 a commitment to support citizen involvement with local funds
15 after the program has been developed and implemented with state
16 moneys.

17 SEC. 247. Section 13846 of the Penal Code is amended to read:

18 13846. (a) Evaluation and monitoring of all grants made under
19 this section shall be the responsibility of the agency ~~or agencies~~
20 ~~designated by the Director of Finance pursuant to Section 13820.~~
21 ~~The agency or agencies designated by the Director of Finance~~
22 ~~pursuant to Section 13820 shall issue standard reporting forms for~~
23 ~~reporting the level of activities and number of crimes reported in~~
24 ~~participating communities. The information shall be used in the~~
25 ~~biannual report to the Legislature required in subdivision (i) of~~
26 ~~Section 13843. The biannual report shall include, but not be limited~~
27 ~~to:~~

28 ~~(1) The level of volunteer participation.~~

29 ~~(2) The level of home and business security inspections.~~

30 ~~(3) The number of programs directed at senior citizens and~~
31 ~~teenagers.~~

32 ~~(4) The report due November 1, 1992, as set forth in subdivision~~
33 ~~(i) of Section 13843, shall also include the plan for implementation~~
34 ~~of the program expansion authorized pursuant to this chapter and~~
35 ~~shall include the results of a survey conducted by the agency or~~
36 ~~agencies designated by the Director of Finance pursuant to Section~~
37 ~~13820 to determine the types of community policing programs~~
38 ~~that already exist to combat illegal drug activity in targeted~~
39 ~~neighborhoods.~~

1 (b) Information on successful programs shall be made available
2 and relayed to other California communities through the technical
3 assistance procedures of the agency ~~or agencies designated by the~~
4 ~~Director of Finance pursuant to Section 13820.~~

5 SEC. 248. Section 13847 of the Penal Code is amended to read:

6 13847. (a) There is hereby established in the agency ~~or~~
7 ~~agencies designated by the Director of Finance pursuant to Section~~
8 ~~13820~~ a program of financial and technical assistance for local
9 law enforcement, called the Rural Indian Crime Prevention
10 Program. The program shall target the relationship between law
11 enforcement and Native American communities to encourage and
12 to strengthen cooperative efforts and to implement crime
13 suppression and prevention programs.

14 (b) ~~The Executive Director of the agency or agencies designated~~
15 ~~by the Director of Finance pursuant to Section 13820~~ *secretary*
16 may allocate and award funds to those local units of government,
17 or combinations thereof, in which a special program is established
18 in law enforcement agencies that meets the criteria set forth in
19 Sections 13847.1 and 13847.2.

20 (c) The allocation and award of funds shall be made upon
21 application executed by the chief law enforcement officer of the
22 applicant unit of government and approved by the legislative body.
23 Funds disbursed under this chapter shall not supplant local funds
24 that would, in the absence of the Rural Indian Crime Prevention
25 Program, be made available to support the suppression and
26 prevention of crime on reservations and rancherias.

27 (d) ~~The executive director~~ *secretary* shall prepare and issue
28 administrative guidelines and procedures for the Rural Indian
29 Crime Prevention Program consistent with this chapter.

30 (e) The guidelines shall set forth the terms and conditions upon
31 which the agency ~~or agencies designated by the Director of Finance~~
32 ~~pursuant to Section 13820~~ is prepared to offer grants of funds
33 pursuant to statutory authority. The guidelines do not constitute
34 rules, regulations, orders, or standards of general application.

35 (f) Every three years, commencing on and after January 1, 1991,
36 ~~the executive director~~ *secretary* shall prepare a report to the
37 Legislature describing in detail the operation of the program and
38 the results obtained from law enforcement rural Indian crime
39 prevention programs receiving funds under this chapter.

1 SEC. 249. Section 13847.2 of the Penal Code is amended to
2 read:

3 13847.2. (a) The Rural Indian and Law Enforcement Local
4 Advisory Committee shall be composed of a chief executive of a
5 law enforcement agency, two tribal council members, two tribal
6 elders, one Indian law enforcement officer, one Indian community
7 officer, one representative of the Bureau of Indian Affairs, and
8 any additional members that may prove to be crucial to the
9 committee. All members of the advisory committee shall be
10 designated by the ~~executive director of the agency or agencies~~
11 ~~designated by the Director of Finance pursuant to Section 13820~~
12 ~~secretary~~, who shall provide staff services to the advisory
13 committee.

14 (b) ~~The executive director of the agency or agencies designated~~
15 ~~by the Director of Finance pursuant to Section 13820~~ ~~secretary~~,
16 in consultation with the advisory committee, shall develop specific
17 guidelines, and administrative procedures, for the selection of
18 projects to be funded by the Rural Indian Crime Prevention
19 Program which guidelines shall include the selection criteria
20 described in this chapter.

21 (c) Administration of the overall program and the evaluation
22 and monitoring of all grants made under this chapter shall be
23 performed by the ~~agency or agencies designated by the Director~~
24 ~~of Finance pursuant to Section 13820~~, provided that funds
25 expended for these functions shall not exceed 5 percent of the total
26 annual amount made available for the purpose of this chapter.

27 SEC. 250. Section 13851 of the Penal Code is amended to read:

28 13851. (a) There is hereby established in the ~~agency or~~
29 ~~agencies designated by the Director of Finance pursuant to Section~~
30 ~~13820~~ a program of financial, training, and technical assistance
31 for local law enforcement, called the California Career Criminal
32 Apprehension Program. All funds made available to the agency
33 ~~or agencies designated by the Director of Finance pursuant to~~
34 ~~Section 13820~~ for the purposes of this chapter shall be administered
35 and disbursed by the ~~executive director of the agency or agencies~~
36 ~~designated by the Director of Finance pursuant to Section 13820~~
37 ~~secretary~~.

38 (b) ~~The executive director~~ *secretary* is authorized to allocate
39 and award funds to those local units of government or combinations
40 thereof, in which a special program is established in law

1 enforcement agencies that meets the criteria set forth in Sections
2 13852 and 13853.

3 (c) The allocation and award of funds shall be made upon
4 application executed by the chief law enforcement officer of the
5 applicant unit of government and approved by the legislative body.
6 Funds disbursed under this chapter shall not supplant local funds
7 that would, in the absence of the California Career Criminal
8 Apprehension Program, be made available to support the
9 apprehension of multiple or repeat felony criminal offenders.

10 (d) ~~The executive director of the agency or agencies designated~~
11 ~~by the Director of Finance pursuant to Section 13820~~ *secretary*
12 shall prepare and issue administrative guidelines and procedures
13 for the California Career Criminal Apprehension Program
14 consistent with this chapter.

15 (e) These guidelines shall set forth the terms and conditions
16 upon which the ~~agency or agencies designated by the Director of~~
17 ~~Finance pursuant to Section 13820~~ is prepared to offer grants of
18 funds pursuant to statutory authority. The guidelines do not
19 constitute rules, regulations, orders or standards of general
20 application.

21 SEC. 251. Section 13854 of the Penal Code is amended to read:

22 13854. (a) ~~The Executive Director of the agency or agencies~~
23 ~~designated by the Director of Finance pursuant to Section 13820,~~
24 ~~secretary~~ shall develop specific guidelines, and administrative
25 procedures, for the selection of the California Career Criminal
26 Apprehension Program.

27 (b) Administration of the overall program and the evaluation
28 and monitoring of all grants made under this chapter shall be
29 performed by the ~~agency or agencies designated by the Director~~
30 ~~of Finance pursuant to Section 13820~~, provided that funds
31 expended for those functions shall not exceed 7.5 percent of the
32 total annual amount made available for the purpose of this chapter.

33 (c) Local assistance grants made pursuant to this chapter shall
34 not be subject to review pursuant to Section 10290 of the Public
35 Contract Code.

36 SEC. 252. Section 13861 of the Penal Code is amended to read:

37 13861. There is hereby created in the ~~agency or agencies~~
38 ~~designated by the Director of Finance pursuant to Section 13820~~
39 the Suppression of Drug Abuse in Schools Program. All funds
40 made available to the ~~agency or agencies designated by the Director~~

1 of Finance pursuant to ~~Section 13820~~ for the purposes of this
2 chapter shall be administered and disbursed by the ~~executive~~
3 ~~director of the office~~ *secretary* in consultation with the State
4 Suppression of Drug Abuse in Schools Advisory Committee
5 established pursuant to Section 13863.

6 (a) The ~~executive director~~ *secretary*, in consultation with the
7 State Suppression of Drug Abuse in Schools Advisory Committee,
8 is authorized to allocate and award funds to local law enforcement
9 agencies and public schools jointly working to develop drug abuse
10 prevention and drug trafficking suppression programs in substantial
11 compliance with the policies and criteria set forth in Sections 13862
12 and 13863.

13 (b) The allocation and award of funds shall be made upon the
14 joint application by the chief law enforcement officer of the
15 coapplicant law enforcement agency and approved by the law
16 enforcement agency's legislative body and the superintendent and
17 board of the school district coapplicant. The joint application of
18 the law enforcement agency and the school district shall be
19 submitted for review to the Local Suppression on Drug Abuse in
20 Schools Advisory Committee established pursuant to paragraph
21 (4) of subdivision (a) of Section 13862. After review, the
22 application shall be submitted to the agency ~~or agencies designated~~
23 ~~by the Director of Finance pursuant to Section 13820~~. Funds
24 disbursed under this chapter may enhance but shall not supplant
25 local funds that would, in the absence of the Suppression of Drug
26 Abuse in Schools Program, be made available to suppress and
27 prevent drug abuse among schoolage children and to curtail drug
28 trafficking in and around school areas.

29 (c) The coapplicant local law enforcement agency and the
30 coapplicant school district may enter into interagency agreements
31 between themselves which will allow the management and fiscal
32 tasks created pursuant to this chapter and assigned to both the law
33 enforcement agency and the school district to be performed by
34 only one of them.

35 (d) Within 90 days of the effective date of this chapter, the
36 ~~Executive Director of the agency or agencies designated by the~~
37 ~~Director of Finance pursuant to Section 13820~~ *secretary*, in
38 consultation with the State Suppression of Drug Abuse in Schools
39 Advisory Committee established pursuant to Section 13863, shall
40 prepare and issue administrative guidelines and procedures for the

1 Suppression of Drug Abuse in Schools Program consistent with
2 this chapter. In addition to all other formal requirements that may
3 apply to the enactment of these guidelines and procedures, a
4 complete and final draft shall be submitted within 60 days of the
5 effective date of this chapter to the Chairpersons of the Committee
6 on Criminal Law and Public Safety of the Assembly and the
7 Judiciary Committee of the Senate of the California Legislature.

8 SEC. 253. Section 13864 of the Penal Code is amended to read:

9 13864. There is hereby ~~created, in the agency or agencies~~
10 ~~designated by the Director of Finance pursuant to Section 13820,~~
11 ~~created in the agency~~ the Comprehensive Alcohol and Drug
12 Prevention Education component of the Suppression of Drug Abuse
13 in Schools Program in public elementary schools in grades 4 to 6,
14 inclusive. Notwithstanding Section 13861 or any other provision
15 in this code, all Comprehensive Alcohol and Drug Prevention
16 Education component funds made available to the agency ~~or~~
17 ~~agencies designated by the Director of Finance pursuant to Section~~
18 ~~13820~~ in accordance with the Classroom Instructional Improvement
19 and Accountability Act shall be administered by and disbursed to
20 county superintendents of schools in this state by the ~~executive~~
21 ~~director of the agency or agencies designated by the Director of~~
22 ~~Finance pursuant to Section 13820~~ *secretary*. All applications for
23 that funding shall be reviewed and evaluated by the agency ~~or~~
24 ~~agencies designated by the Director of Finance pursuant to Section~~
25 ~~13820~~, in consultation with the State Department of Alcohol and
26 Drug Programs and the State Department of Education.

27 (a) The ~~executive director~~ *secretary* is authorized to allocate
28 and award funds to county department superintendents of schools
29 for allocation to individual school districts or to a consortium of
30 two or more school districts. Applications funded under this section
31 shall comply with the criteria, policies, and procedures established
32 under subdivision (b) of this section.

33 (b) As a condition of eligibility for the funding described in this
34 section, the school district or consortium of school districts shall
35 have entered into an agreement with a local law enforcement
36 agency to jointly implement a comprehensive alcohol and drug
37 abuse prevention, intervention, and suppression program developed
38 by the agency ~~or agencies designated by the Director of Finance~~
39 ~~pursuant to Section 13820~~, in consultation with the State
40 Department of Alcohol and Drug Programs and the State

1 Department of Education, containing all of the following
2 components:

3 (1) A standardized age-appropriate curriculum designed for
4 pupils in grades 4 to 6, inclusive, specifically tailored and sensitive
5 to the socioeconomic and ethnic characteristics of the target pupil
6 population. Although new curricula shall not be required to be
7 developed, existing curricula may be modified and adapted to meet
8 local needs. The elements of the standardized comprehensive
9 alcohol and drug prevention education program curriculum shall
10 be defined and approved by the Governor's Policy Council on
11 Drug and Alcohol Abuse, as established by Executive Order #
12 D-70-80.

13 (2) A planning process that shall include both assessment of the
14 school district's characteristics, resources and the extent of
15 problems related to juvenile drug abuse, and input from local law
16 enforcement agencies.

17 (3) A school district governing board policy that provides for
18 a coordinated intervention system that, at a minimum, includes
19 procedures for identification, intervention, and referral of at-risk
20 alcohol- and drug-involved youth, and identifies the roles and
21 responsibilities of law enforcement, school personnel, parents, and
22 pupils.

23 (4) Early intervention activities that include, but are not limited
24 to, the identification of pupils who are high risk or have chronic
25 drug abuse problems, assessment, and referral for appropriate
26 services, including ongoing support services.

27 (5) Parent education programs to initiate and maintain parental
28 involvement, with an emphasis for parents of at-risk pupils.

29 (6) Staff and in-service training programs, including both
30 in-depth training for the core team involved in providing program
31 services and general awareness training for all school faculty and
32 administrative, credentialed, and noncredentialed school personnel.

33 (7) In-service training programs for local law enforcement
34 officers.

35 (8) School, law enforcement, and community involvement to
36 ensure coordination of program services. Pursuant to that
37 coordination, the school district or districts and other local agencies
38 are encouraged to use a single community advisory committee or
39 task force for drug, alcohol, and tobacco abuse prevention

1 programs, as an alternative to the creation of a separate group for
2 that purpose under each state or federally funded program.

3 (c) The application of the county superintendent of schools shall
4 be submitted to the agency ~~or agencies designated by the Director~~
5 ~~of Finance pursuant to Section 13820.~~ Funds made available to
6 the ~~agency or agencies designated by the Director of Finance~~
7 ~~pursuant to Section 13820~~ for allocation under this section are
8 intended to enhance, but shall not supplant, local funds that would,
9 in the absence of the Comprehensive Alcohol and Drug Prevention
10 Education component, be made available to prevent, intervene in,
11 or suppress drug abuse among schoolage children. For districts
12 that are already implementing a comprehensive drug abuse
13 prevention program for pupils in grades 4 to 6, inclusive, the county
14 superintendent shall propose the use of the funds for drug
15 prevention activities in school grades other than 4 to 6, inclusive,
16 compatible with the program components of this section. The
17 expenditure of funds for that alternative purpose shall be approved
18 by the ~~executive director~~ *secretary*.

19 (1) Unless otherwise authorized by the agency ~~or agencies~~
20 ~~designated by the Director of Finance pursuant to Section 13820,~~
21 each county superintendent of schools shall be the fiscal agent for
22 any Comprehensive Alcohol and Drug Prevention Education
23 component award, and shall be responsible for ensuring that each
24 school district within that county receives the allocation prescribed
25 by the ~~agency or agencies designated by the Director of Finance~~
26 ~~pursuant to Section 13820.~~ Each county superintendent shall
27 develop a countywide plan that complies with program guidelines
28 and procedures established by the ~~agency or agencies designated~~
29 ~~by the Director of Finance pursuant to Section 13820~~ pursuant to
30 subdivision (d). A maximum of 5 percent of the county's allocation
31 may be used for administrative costs associated with the project.

32 (2) Each county superintendent of schools shall establish and
33 chair a local coordinating committee to assist the superintendent
34 in developing and implementing a countywide implementation
35 plan. This committee shall include the county drug administrator,
36 law enforcement executives, school district governing board
37 members and administrators, school faculty, parents, and drug
38 prevention and intervention program executives selected by the
39 superintendent and approved by the county board of supervisors.

1 (d) ~~The Executive Director of the agency or agencies designated~~
2 ~~by the Director of Finance pursuant to Section 13820~~ *secretary*,
3 in consultation with the State Department of Alcohol and Drug
4 Programs and the State Department of Education, shall prepare
5 and issue guidelines and procedures for the Comprehensive Alcohol
6 and Drug Prevention Education component consistent with this
7 section.

8 (e) The Comprehensive Alcohol and Drug Prevention Education
9 component guidelines shall set forth the terms and conditions upon
10 which the ~~agency or agencies designated by the Director of Finance~~
11 ~~pursuant to Section 13820~~ is prepared to award grants of funds
12 pursuant to this section. The guidelines shall not constitute rules,
13 regulations, orders, or standards of general application.

14 (f) Funds awarded under the Comprehensive Alcohol and Drug
15 Prevention Education Program shall not be subject to Section
16 10318 of the Public Contract Code.

17 (g) Funds available pursuant to Item 8100-111-001 and
18 Provision 1 of Item 8100-001-001 of the Budget Act of 1989, or
19 the successor provision of the appropriate Budget Act, shall be
20 allocated to implement this section.

21 (h) ~~The executive director of the agency or agencies designated~~
22 ~~by the Director of Finance pursuant to Section 13820~~ *secretary*
23 shall collaborate, to the extent possible, with other state agencies
24 that administer drug, alcohol, and tobacco abuse prevention
25 education programs to streamline and simplify the process whereby
26 local educational agencies apply for drug, alcohol, and tobacco
27 education funding under this section and under other state and
28 federal programs. ~~The agency or agencies designated by the~~
29 ~~Director of Finance pursuant to Section 13820~~, the State
30 Department of Alcohol and Drug Programs, the State Department
31 of Education, and other state agencies, to the extent possible, shall
32 develop joint policies and collaborate planning in the administration
33 of drug, alcohol, and tobacco abuse prevention education programs.

34 SEC. 254. Section 13881 of the Penal Code is amended to read:

35 13881. (a) There is hereby established in the ~~agency or~~
36 ~~agencies designated by the Director of Finance pursuant to Section~~
37 ~~13820~~ a program of financial and technical assistance for district
38 attorneys' offices, designated the California Major Narcotic
39 Vendors Prosecution Law. All funds appropriated to the agency
40 ~~or agencies designated by the Director of Finance pursuant to~~

1 ~~Section 13820~~ for the purposes of this chapter shall be administered
2 and disbursed by the ~~executive director of the office~~ *secretary* in
3 consultation with the California Council on Criminal Justice, and
4 shall to the greatest extent feasible be coordinated or consolidated
5 with federal funds that may be made available for these purposes.

6 (b) The ~~executive director~~ *secretary* is authorized to allocate
7 and award funds to counties in which the California Major Narcotic
8 Vendors Prosecution Law is implemented in substantial compliance
9 with the policies and criteria set forth in this chapter.

10 (c) The allocation and award of funds shall be made upon
11 application executed by the county's district attorney and approved
12 by its board of supervisors. Funds disbursed under this chapter
13 shall not supplant local funds that would, in the absence of the
14 California Major Narcotic Vendors Prosecution Law, be made
15 available to support the prosecution of felony drug cases. Funds
16 available under this program shall not be subject to review, as
17 specified in Section 14780 of the Government Code.

18 (d) The ~~executive director~~ *secretary* shall prepare and issue
19 written program and administrative guidelines and procedures for
20 the California Major Narcotic Vendors Prosecution Program
21 consistent with this chapter, which shall be submitted to the
22 Chairpersons of the Assembly Committee on Public Safety and
23 the Senate Committee on Criminal Procedure. These guidelines
24 shall permit the selection of a county for the allocation and award
25 of funds only on a finding by the ~~agency or agencies designated~~
26 ~~by the Director of Finance pursuant to Section 13820~~ that the
27 county is experiencing a proportionately significant increase in
28 major narcotic cases. Further, the guidelines shall provide for the
29 allocation and award of funds to small county applicants, as
30 designated by the ~~executive director~~ *secretary*. The guidelines
31 shall also provide that any funds received by a county under this
32 chapter shall be used only for the prosecution of cases involving
33 major narcotic dealers. For purposes of this subdivision, "small
34 county" means a county having a population of 200,000 or less.

35 SEC. 255. Section 13887.5 of the Penal Code is amended to
36 read:

37 13887.5. The ~~Office of Emergency Services~~ *agency* shall
38 establish standards by which grants are awarded on a competitive
39 basis to counties for SAFE teams. The grants shall be awarded to
40 innovative teams designed to promote the purposes of this chapter.

1 SEC. 256. Section 13897.2 of the Penal Code is amended to
2 read:

3 ~~13897.2. (a) The agency or agencies designated by the Director~~
4 ~~of Finance pursuant to Section 13820 shall grant an award to an~~
5 appropriate private, nonprofit organization, to provide a statewide
6 resource center, as described in Section 13897.1.

7 (b) The center shall:

8 (1) Provide callers with information about victims' legal rights
9 to compensation pursuant to Chapter 5 (commencing with Section
10 13959) of Part 4 of Division 3 of Title 2 of the Government Code
11 and, where appropriate, provide victims with guidance in exercising
12 these rights.

13 (2) Provide callers who provide services to victims of crime
14 with legal information regarding the legal rights of victims of
15 crime.

16 (3) Advise callers about any potential civil causes of action and,
17 where appropriate, provide callers with references to local legal
18 aid and lawyer referral services.

19 (4) Advise and assist callers in understanding and implementing
20 their rights to participate in sentencing and parole eligibility
21 hearings as provided by statute.

22 (5) Advise callers about victims' rights in the criminal justice
23 system, assist them in overcoming problems, including the return
24 of property, and inform them of any procedures protecting
25 witnesses.

26 (6) Refer callers, as appropriate, to local programs, which
27 include victim-witness programs, rape crisis units, domestic
28 violence projects, and child sexual abuse centers.

29 (7) Refer callers to local resources for information about
30 appropriate public and private benefits and the means of obtaining
31 aid.

32 (8) Publicize the existence of the toll-free service through the
33 print and electronic media, including public service
34 announcements, brochures, press announcements, various other
35 educational materials, and agreements for the provision of
36 publicity, by private entities.

37 (9) Compile comprehensive referral lists of local resources that
38 include the following: victims' assistance resources, including
39 legal and medical services, financial assistance, personal counseling
40 and support services, and victims' support groups.

(10) Produce promotional materials for distribution to law enforcement agencies, state and local agencies, print, radio, and television media outlets, and the general public. These materials shall include placards, video and audio training materials, written handbooks, and brochures for public distribution. Distribution of these materials shall be coordinated with the local victims' service programs.

(11) Research, compile, and maintain a library of legal information concerning crime victims and their rights.

(12) Provide a 20-percent minimum cash match for all funds appropriated pursuant to this chapter which match may include federal and private funds in order to supplement any funds appropriated by the Legislature.

(c) The resource center shall be located so as to assure convenient and regular access between the center and those state agencies most concerned with crime victims. The entity receiving the grant shall be a private, nonprofit organization, independent of law enforcement agencies, and have qualified staff knowledgeable in the legal rights of crime victims and the programs and services available to victims throughout the state. The subgrantee shall have an existing statewide, toll-free information service and have demonstrated substantial capacity and experience serving crime victims in areas required by this act.

(d) The services of the resource center shall not duplicate the victim service activities of the agency ~~or agencies designated by the Director of Finance pursuant to Section 13820~~ or those activities of local victim programs funded through the ~~office agency~~.

(e) The subgrantee shall be compensated at its federally approved indirect cost rate, if any. For the purposes of this section, "federally approved indirect cost rate" means that rate established by the federal Department of Health and Human Services or other federal agency for the subgrantee. Nothing in this section shall be construed as requiring the agency ~~or agencies designated by the Director of Finance pursuant to Section 13820~~ to permit the use of federally approved indirect cost rates for other subgrantees of other grants administered by the office.

(f) All information and records retained by the center in the course of providing services under this chapter shall be confidential and privileged pursuant to Article 3 (commencing with Section

950) of Chapter 4 of Division 8 of the Evidence Code and Article 4 (commencing with Section 6060) of Chapter 4 of Division 3 of the Business and Professions Code. Nothing in this subdivision shall prohibit compilation and distribution of statistical data by the center.

SEC. 257. Section 13897.3 of the Penal Code is amended to read:

~~13897.3. The agency or agencies designated by the Director of Finance pursuant to Section 13820 shall develop written guidelines for funding and performance standards for monitoring the effectiveness of the resource center program. The program shall be evaluated by a public or private nonprofit entity under a contract with the agency or agencies designated by the Director of Finance pursuant to Section 13820.~~

SEC. 258. Section 13901 of the Penal Code is amended to read:

13901. (a) For the purposes of coordinating local criminal justice activities and planning for the use of state and federal action funds made available through any grant programs, criminal justice and delinquency prevention planning districts shall be established.

(b) On January 1, 1976, all planning district boundaries shall remain as they were immediately prior to that date. Thereafter, the number and boundaries of those planning districts may be altered from time to time by a two-thirds vote of the California Council on Criminal Justice pursuant to this section; provided that no county shall be divided into two or more districts, nor shall two or more counties which do not comprise a contiguous area form a single district.

(c) Prior to taking any action to alter the boundaries of any planning district, the council shall adopt a resolution indicating its intention to take the action and, at least 90 days prior to the taking of the action, shall forward a copy of the resolution to all units of government directly affected by the proposed action together with notice of the time and place at which the action will be considered by the council.

(d) If any county or a majority of the cities directly affected by the proposed action objects thereto, and a copy of the resolution of each board of supervisors or city council stating its objection is delivered to the ~~executive office of the agency or agencies designated by the Director of Finance pursuant to Section 13820~~ *Secretary of Emergency Management* within 30 days following

1 the giving of the notice of the proposed action, the council, or a
2 duly constituted committee thereof, shall conduct a public meeting
3 within the boundaries of the district as they are proposed to be
4 determined. Notice of the time and place of the meeting shall be
5 given to the public and to all units of local government directly
6 affected by the proposed action, and reasonable opportunity shall
7 be given to members of the public and representatives of those
8 units to present their views on the proposed action.

9 SEC. 259. Section 14111 of the Penal Code is amended to read:

10 14111. The Legislature further finds that:

11 (a) It is in the public interest to translate the findings of the
12 California Commission on Crime Control and Violence Prevention
13 into community-empowering, community-activated violence
14 prevention efforts that would educate, inspire, and inform the
15 citizens of California about, coordinate existing programs relating
16 to, and provide direct services addressing the root causes of,
17 violence in California.

18 (b) The recommendations in the report of the commission can
19 serve as both the foundation and guidelines for short-,
20 intermediate-, and long-term programs to address and alleviate
21 violence in California.

22 (c) It is in the public interest to facilitate the highest degree of
23 coordination between, cooperation among, and utilization of public,
24 nonprofit, and private sector resources, programs, agencies,
25 organizations, and institutions toward maximally successful
26 violence prevention and crime control efforts.

27 (d) Prevention is a sound fiscal, as well as social, policy
28 objective. Crime and violence prevention programs can and should
29 yield substantially beneficial results with regard to the exorbitant
30 costs of both violence and crime to the public and private sectors.

31 ~~(e) The agency or agencies designated by the Director of Finance~~
32 ~~pursuant to Section 13820 California Emergency Management~~
33 ~~Agency is the appropriate state agency to contract for programs~~
34 ~~addressing the root causes of violence.~~

35 SEC. 260. Section 14112 of the Penal Code is amended to read:

36 14112. The Legislature therefore intends:

37 (a) To develop community violence prevention and conflict
38 resolution programs, in the state, based upon the recommendations
39 of the California Commission on Crime Control and Violence
40 Prevention, that would present a balanced, comprehensive

1 educational, intellectual, and experiential approach toward
2 eradicating violence in our society.

3 (b) That these programs shall be regulated, and funded pursuant
4 to contracts with the agency or agencies designated by the Director
5 of Finance pursuant to Section 13820 *California Emergency*
6 *Management Agency*.

7 SEC. 261. Section 14113 is added to the Penal Code, to read:
8 14113. Unless otherwise required by context, as used in this
9 title:

10 (a) “Agency” means the California Emergency Management
11 Agency.

12 (b) “Secretary” means the Secretary of the California Emergency
13 Management Agency.

14 SEC. 262. Section 14117 of the Penal Code is amended to read:

15 14117. (a) Each program shall have a governing board or an
16 interagency coordinating team, or both, of at least nine members
17 representing a cross section of existing and recipient,
18 community-based, public and private persons, programs, agencies,
19 organizations, and institutions. Each team shall do all of the
20 following:

21 (1) As closely as possible represent the socioeconomic, ethnic,
22 linguistic, and cultural makeup of the community and shall
23 evidence an interest in and commitment to the categorical areas
24 of violence prevention and conflict resolution.

25 (2) Be responsible for the implementation, evaluation, and
26 operation of the program and all its constituent elements, including
27 those specific direct services as may be provided pursuant to
28 Section 14115.

29 (3) Be accountable for the distribution of all funds.

30 (4) Designate and appoint a responsible administrative authority
31 acceptable to the agency or agencies designated by the Director
32 of Finance pursuant to Section 13820 prior to the receipt of a grant.

33 (5) Submit an annual report to the agency or agencies designated
34 by the Director of Finance pursuant to Section 13820, which shall
35 include information on all of the following:

36 (A) The number of learning events.

37 (B) The number of persons trained.

38 (C) An overview of the changing level of information regarding
39 root causes of violence.

1 (D) An overview of the changing level of attitude regarding
2 root causes of violence.

3 (E) The changing level of behavior regarding root causes of
4 violence.

5 (F) The degree to which the program has been successful in
6 satisfying the requirements set forth in subdivisions (e) and (f) of
7 Section 14114.

8 (G) Other measures of program efficacy as specified by the
9 agency ~~or agencies designated by the Director of Finance pursuant~~
10 ~~to Section 13820.~~

11 (b) Coordinating teams established under this section may adopt
12 local policies, procedures, and bylaws consistent with this title.

13 SEC. 263. Section 14118 of the Penal Code is amended to read:

14 14118. (a) ~~The agency or agencies designated by the Director~~
15 ~~of Finance pursuant to Section 13820~~ shall prepare and issue
16 written program, fiscal, and administrative guidelines for the
17 contracted programs that are consistent with this title, including
18 guidelines for identifying recipient programs, agencies,
19 organizations, and institutions, and organizing the coordinating
20 teams. ~~The agency or agencies designated by the Director of~~
21 ~~Finance pursuant to Section 13820~~ shall then issue a request for
22 proposals. The responses to the request for proposals shall be rated
23 according to the priorities set forth in subdivision (b) and additional
24 criteria established by the guidelines. The highest rated responses
25 shall be selected. ~~The agency or agencies designated by the Director~~
26 ~~of Finance pursuant to Section 13820~~ shall do all of the following:

27 (1) Subject the proposed program and administrative guidelines
28 to a 30-day period of broad public evaluation with public hearings
29 commencing in May 1985, prior to adoption, including specific
30 solicitation of input from culturally, geographically,
31 socioeconomically, educationally, and ethnically diverse persons,
32 programs, agencies, organizations, and institutions.

33 (2) Provide adequate public notice of the public evaluation
34 around the state in major metropolitan and rural newspapers and
35 related media outlets, and to local public, private, and nonprofit
36 human service executives and advisory boards, and other
37 appropriate persons and organizations.

38 (3) Establish a mechanism for obtaining, evaluating, and
39 incorporating when appropriate and feasible, public input regarding
40 the written program and administrative guidelines prior to adoption.

1 (b) Applicants for contracts under this title may be existing
2 community-based public and nonprofit programs, agencies,
3 organizations, and institutions, newly developed nonprofit
4 corporations, or joint proposals from combinations of either or
5 both of the above.

6 SEC. 264. Section 14119 of the Penal Code is amended to read:

7 ~~14119. (a) The agency or agencies designated by the Director~~
8 ~~of Finance pursuant to Section 13820 shall promote, organize, and~~
9 ~~conduct a series of one-day crime and violence prevention training~~
10 ~~workshops around the state. The agency or agencies designated~~
11 ~~by the Director of Finance pursuant to Section 13820 shall seek~~
12 ~~participation in the workshops from ethnically, linguistically,~~
13 ~~culturally, educationally, and economically diverse persons,~~
14 ~~agencies, organizations, and institutions.~~

15 (b) The training workshops shall have all of the following goals:

16 (1) To identify phenomena which are thought to be root causes
17 of crime and violence.

18 (2) To identify local manifestations of those root causes.

19 (3) To examine the findings and recommendations of the
20 California Commission on Crime Control and Violence Prevention.

21 (4) To focus on team building and interagency cooperation and
22 coordination toward addressing the local problems of crime and
23 violence.

24 (5) To examine the merits and necessity of a local crime and
25 violence prevention effort.

26 (c) There shall be at least three workshops.

27 SEC. 265. Section 14120 of the Penal Code is amended to read:

28 14120. (a) Programs shall be funded, depending upon the
29 availability of funds, for a period of two years.

30 (b) ~~The agency or agencies designated by the Director of Finance~~
31 ~~pursuant to Section 13820 shall provide 50 percent of the program~~
32 ~~costs, to a maximum amount of fifty thousand dollars (\$50,000)~~
33 ~~per program per year. The recipient shall provide the remaining~~
34 ~~50 percent with other resources which may include in-kind~~
35 ~~contributions and services. The administrative expenses for the~~
36 ~~pilot programs funded under Section 14120 shall not exceed 10~~
37 ~~percent.~~

38 (c) Programs should be seeking private sector moneys and
39 developing ways to become self-sufficient upon completion of
40 pilot program funding.

(d) The recipient programs shall be responsible for a year-end independent audit.

(e) ~~The agency or agencies designated by the Director of Finance pursuant to Section 13820~~ shall do an interim evaluation of the programs, commencing in July 1986, and shall report to the Legislature and the people with the results of the evaluation prior to October 31, 1986. The evaluation shall include, but not be limited to, an assessment and inventory of all of the following:

(1) The number of learning events.

(2) The number of persons trained.

(3) The changing level of information regarding root causes of violence.

(4) The changing level of attitude regarding root causes of violence.

(5) The changing level of behavior regarding root causes of violence.

(6) The reduced level of violence in our society.

(7) The degree to which the program has succeeded in reaching and impacting positively upon local ethnic, cultural, and socioeconomic groups in the service area.

A final evaluation shall be made with a report prior to October 31, 1987, which shall also include specific recommendations to the Legislature and the people of this state regarding methods and means by which these violence prevention and crime control programmatic efforts can be enhanced and improved.

SEC. 266. Section 14121 of the Penal Code is amended to read:

14121. ~~The agency or agencies designated by the Director of Finance pursuant to Section 13820~~ may hire support staff and utilize resources necessary to carry out the purposes of this title.

SEC. 267. Section 14140 of the Penal Code is amended to read:

14140. (a) Each county is authorized and encouraged to create a county task force on violent crimes against women. The board of supervisors of a county which elects to create a task force under this section shall notify ~~the agency or agencies designated by the Director of Finance pursuant to Section 13820~~ *California Emergency Management Agency* that the county is establishing, by appointment, a countywide task force. Each county task force shall develop a countywide policy on violent crimes against women.

1 (b) ~~The agency or agencies designated by the Director of Finance~~
2 ~~pursuant to Section 13820 California Emergency Management~~
3 ~~Agency~~ may provide technical assistance to, and collect and
4 disseminate information on, the county task forces established
5 under this section.

6 SEC. 268. Section 715 of the Public Resources Code is
7 amended to read:

8 715. The Department of Forestry and Fire Protection, in
9 cooperation with the ~~Office of Emergency Services California~~
10 ~~Emergency Management Agency~~, shall develop a program to certify
11 active duty military pilots to engage in firefighting in the state.

12 SEC. 269. Section 2802 of the Public Resources Code is
13 amended to read:

14 2802. (a) The department shall develop jointly with the United
15 States Geological Survey a prototype earthquake prediction system
16 along the central San Andreas fault near the City of Parkfield.

17 (b) The system shall include a dense cluster of seismic and
18 crustal deformation instrumentation capable of monitoring
19 geophysical and geochemical phenomena associated with
20 earthquakes in the region. These data shall be analyzed
21 continuously to determine if precursory anomalies can be identified
22 with sufficient certainty to make a short-term prediction. The
23 department shall not duplicate any of the ongoing efforts of the
24 United States Geological Survey or any public or private college
25 or university in the development of this system.

26 (c) In meeting its obligations under this chapter, the department
27 shall develop, in cooperation with the United States Geological
28 Survey, a plan for completion of the Parkfield instrumentation
29 network. The plan shall provide for all of the following:

30 (1) Augmentation of monitoring instruments with the goal of
31 detecting precursors of the Parkfield characteristic earthquake.

32 (2) Operation by the department of a remote data review station
33 in Sacramento which will provide state scientists with data from
34 the Parkfield prototype earthquake prediction system and other
35 data, as required, to advise the ~~Office of Emergency Services~~
36 ~~California Emergency Management Agency~~ of the occurrence of
37 precursors and verification of the predicted event.

38 (3) Advising the United States Geological Survey, the ~~Office~~
39 ~~of Emergency Services California Emergency Management~~
40 ~~Agency~~, the Seismic Safety Commission, and the California

1 Earthquake Prediction Evaluation Council, regarding the
2 department's review of Parkfield data.

3 (d) On January 1, 1987, the department shall issue a progress
4 report to the Governor, the Legislature, and the Seismic Safety
5 Commission. An annual progress report shall be made each year
6 thereafter. The project shall terminate on January 1, 1992, unless
7 extended by statute.

8 SEC. 270. Section 2803 of the Public Resources Code is
9 amended to read:

10 2803. (a) Concurrently with the development of the Parkfield
11 prototype earthquake prediction system, the ~~Office of Emergency~~
12 ~~Services~~ *California Emergency Management Agency*, in
13 consultation with the California Earthquake Prediction Evaluation
14 Council, shall develop a comprehensive emergency response plan
15 for short-term earthquake predictions. The plan shall include all
16 of the following:

17 (1) A method of peer review involving the California Earthquake
18 Prediction Evaluation Council to evaluate the validity of short-term
19 earthquake predictions and to develop guidelines for initiating
20 state action in response to anomalous geochemical and geophysical
21 phenomena.

22 (2) A means of rapidly activating governmental response to a
23 predicted event.

24 (3) Plans for mitigating earthquake losses to vulnerable
25 populations, including, but not limited to, drawdown of
26 impoundment levels behind dams, positioning of emergency
27 equipment in safe areas, and mobilization of firefighting, law
28 enforcement, rescue, and medical personnel.

29 (4) A public warning system.

30 (5) Strategies for dealing with earthquake predictions that fail
31 to occur (false alarms) and the failure of an earthquake prediction
32 system to forecast a damaging event.

33 (b) ~~The Office of Emergency Services~~ *California Emergency*
34 *Management Agency* shall consult with the department, the Seismic
35 Safety Commission, the United States Geological Survey, and the
36 Federal Emergency Management Agency in the development of
37 the plan.

38 SEC. 271. Section 2811 of the Public Resources Code is
39 amended to read:

40 2811. As used in this chapter:

1 (a) “Agency” means California Emergency Management
2 Agency.

3 ~~(a)~~

4 (b) “Commission” means the Seismic Safety Commission.

5 ~~(b)~~

6 (c) “Local jurisdiction” means a city, county, or district.

7 ~~(e) “Office” means the Office of Emergency Services.~~

8 (d) “Preparedness” means long-term preearthquake hazard
9 mitigation, reconstruction, and recovery planning and preparation
10 for emergency response.

11 SEC. 272. Section 2814 of the Public Resources Code is
12 amended to read:

13 2814. The earthquake preparedness activities established under
14 this chapter shall be carried out by the ~~office~~ agency. The
15 commission and ~~office~~ agency shall work together and use
16 appropriate scientific information and recommendations provided
17 by the division. Other arrangements to coordinate the activities
18 established by this chapter shall be made, through mutual
19 agreement, by the commission and the ~~office~~ agency. A local
20 advisory board shall be established to provide advice and guidance
21 on project activities in the Counties of San Diego, Imperial, and
22 Santa Barbara.

23 SEC. 273. Section 2815 of the Public Resources Code is
24 amended to read:

25 2815. The ~~office~~ agency may enter into agreements with local,
26 regional, and federal agencies, councils of government, and private
27 organizations and contractors, and may receive and expend funds
28 provided by those entities in support of comprehensive earthquake
29 preparedness programs authorized by this chapter. The commission
30 and ~~office~~ agency shall seek assistance from appropriate federal
31 agencies.

32 SEC. 274. Section 3233 of the Public Resources Code is
33 amended to read:

34 3233. (a) The division may develop field rules which establish
35 volumetric thresholds for emergency reporting by the operator of
36 oil discharges to land associated with onshore drilling, exploration,
37 or production operations, where the oil discharges, because of the
38 circumstances established pursuant to paragraph (1) of subdivision
39 (c), cannot pass into or threaten the waters of the state. The division
40 may not adopt field rules under this section, unless the State Water

1 Resources Control Board and the Department of Fish and Game
2 first concur with the volumetric reporting thresholds contained in
3 the proposed field rules. Subchapter 1 (commencing with Section
4 1710) of Chapter 4 of Division 2 of Title 14 of the California Code
5 of Regulations shall apply to the adoption and implementation of
6 field rules authorized by this section.

7 (b) The authority granted to the division pursuant to subdivision
8 (a) shall apply solely to oil fields located in the San Joaquin Valley,
9 as designated by the division. The division shall adopt the field
10 rules not later than January 1, 1998.

11 (c) For purposes of implementing this section, the division, the
12 State Water Resources Control Board, and the Department of Fish
13 and Game shall enter into an agreement that defines the process
14 for establishing both of the following:

15 (1) The circumstances, such as engineered containment, under
16 which oil discharges cannot pass into or threaten the waters of this
17 state.

18 (2) The volumetric reporting thresholds that are applicable under
19 the circumstances established pursuant to paragraph (1).

20 (d) In no case shall a reporting threshold established in the field
21 rules, where the oil discharge cannot pass into or threaten the
22 waters of this state, be less than one barrel (42 gallons), unless
23 otherwise established by federal law or regulation. Until field rules
24 are adopted, emergency reporting of oil discharges shall continue
25 as required by existing statute and regulations.

26 (e) An operator who discharges oil in amounts less than the
27 volumetric thresholds adopted by the division pursuant to this
28 section is exempt from all applicable state and local reporting
29 requirements. Discharges of oil in amounts equal to, or greater
30 than, the volumetric thresholds adopted by the division pursuant
31 to this section shall be immediately reported to the ~~Office of~~
32 ~~Emergency Services~~ *California Emergency Management Agency*
33 which shall inform the division and other local or state agencies
34 as required by Section 8589.7 of the Government Code. Reporting
35 to the ~~Office of Emergency Services~~ *California Emergency*
36 *Management Agency* shall be deemed to be compliance with all
37 applicable state and local reporting requirements.

38 (f) Oil discharges below the reporting thresholds established in
39 the field rules shall be exempt from the emergency notification or
40 reporting requirements, and any penalties provided for

nonreporting, established under paragraph (1) of subdivision (a) of Section 13260 of the Water Code, subdivisions (a), (c), and (e) of Section 13272 of the Water Code, Section 25507 of the Health and Safety Code, Sections 8670.25.5 and 51018 of the Government Code, and subdivision (h) of Section 1722 of Title 14 of the California Code of Regulations. Oil discharge reporting requirements under Section 51018 of the Government Code shall be applicable if a spill involves a fire or explosion.

(g) This section shall not affect existing reporting or notification requirements under federal law.

(h) Nothing in this section shall be construed to relieve any party of any responsibility established by statute, regulation, or order, to clean up or remediate any oil discharge, whether reportable or exempt pursuant to this section.

(i) Reporting provided pursuant to this section is not intended to prohibit any department or agency from seeking and obtaining any supplemental postreporting information to which the department or agency might otherwise be entitled.

(j) For purposes of this section, “oil” means naturally occurring crude oil.

SEC. 275. Section 25701 of the Public Resources Code is amended to read:

25701. (a) Within six months after the effective date of this division, each electric utility, gas utility, and fuel wholesaler or manufacturer in the state shall prepare and submit to the commission a proposed emergency load curtailment plan or emergency energy supply distribution plan setting forth proposals for identifying priority loads or users in the event of a sudden and serious shortage of fuels or interruption in the generation of electricity.

(b) The commission shall encourage electric utilities to cooperate in joint preparation of an emergency load curtailment plan or emergency energy distribution plan. If such a cooperative plan is developed between two or more electric utilities, such utilities may submit such joint plans to the commission in place of individual plans required by subdivision (a) of this section.

(c) The commission shall collect from all relevant governmental agencies, including, but not limited to, the Public Utilities Commission and the ~~Office of Emergency Services~~ *California Emergency Management Agency*, any existing contingency plans

1 for dealing with sudden energy shortages or information related
2 thereto.

3 SEC. 276. Section 43035 of the Public Resources Code is
4 amended to read:

5 43035. (a) The board, in cooperation with the ~~Office of~~
6 ~~Emergency Services~~ *California Emergency Management Agency*,
7 shall develop an integrated waste management disaster plan to
8 provide for the handling, storage, processing, transportation, and
9 diversion from disposal sites, or provide for disposal at a disposal
10 site where absolutely necessary, of solid waste, resulting from a
11 state of emergency or a local emergency, as defined, respectively,
12 in subdivisions (b) and (c) of Section 8558 of the Government
13 Code.

14 (b) The board may adopt regulations, including emergency
15 regulations, necessary to carry out the integrated waste management
16 disaster plan.

17 SEC. 277. Section 2774.5 of the Public Utilities Code is
18 amended to read:

19 2774.5. An electrical corporation or local publicly owned
20 electric utility shall immediately notify the Commissioner of the
21 California Highway Patrol, the ~~Office of Emergency Services~~
22 *California Emergency Management Agency*, and the sheriff and
23 any affected chief of police of the specific area within their
24 respective law enforcement jurisdictions that will sustain a planned
25 loss of power as soon as the planned loss becomes known as to
26 when and where that power loss will occur. The notification shall
27 include common geographical boundaries, grid or block numbers
28 of the affected area, and the next anticipated power loss area
29 designated by the electrical corporation or public entity during
30 rotating blackouts.

31 SEC. 278. Section 2872.5 of the Public Utilities Code is
32 amended to read:

33 2872.5. (a) The commission, in consultation with the ~~Office~~
34 ~~of Emergency Services~~ *California Emergency Management Agency*
35 and the Department of General Services, shall open an investigative
36 proceeding to determine whether standardized notification systems
37 and protocol should be utilized by entities that are authorized to
38 use automatic dialing-announcing devices pursuant to subdivision
39 (e) of Section 2872, to facilitate notification of affected members
40 of the public of local emergencies. The commission shall not

1 establish standards for notification systems or standard notification
2 protocol unless it determines that the benefits of the standards
3 exceed the costs.

4 (b) Before January 1, 2008, the commission shall prepare and
5 submit to the Legislature a report on the results of the proceeding,
6 including recommendations for funding notification systems and
7 any statutory modifications needed to facilitate notification of
8 affected members of the public of local emergencies.

9 SEC. 279. Section 2892.1 of the Public Utilities Code is
10 amended to read:

11 2892.1. (a) For purposes of this section, “telecommunications
12 service” means voice communication provided by a telephone
13 corporation as defined in Section 234, voice communication
14 provided by a provider of satellite telephone services, voice
15 communication provided by a provider of mobile telephony service,
16 as defined in Section 2890.2, and voice communication provided
17 by a commercially available facilities-based provider of voice
18 communication services utilizing voice over Internet Protocol or
19 any successor protocol.

20 (b) The commission, in consultation with the ~~Office of~~
21 ~~Emergency Services~~ *California Emergency Management Agency*
22 and the Department of General Services, shall open an investigative
23 or other appropriate proceeding to identify the need for
24 telecommunications service systems not on the customer’s premises
25 to have backup electricity to enable telecommunications networks
26 to function and to enable the customer to contact a public safety
27 answering point operator during an electrical outage, to determine
28 performance criteria for backup systems, and to determine whether
29 the best practices recommended by the Network Reliability and
30 Interoperability Council in December 2005, for backup systems
31 have been implemented by telecommunications service providers
32 operating in California. If the commission determines it is in the
33 public interest, the commission shall, consistent with subdivisions
34 (c) and (d), develop and implement performance reliability
35 standards.

36 (c) The commission, in developing any standards pursuant to
37 the proceeding required by subdivision (b), shall consider current
38 best practices and technical feasibility for establishing battery
39 backup requirements.

(d) The commission shall not implement standards pursuant to the proceeding required by subdivision (b) unless it determines that the benefits of the standards exceed the costs.

(e) The commission shall determine the feasibility of the use of zero greenhouse gas emission fuel cell systems to replace diesel backup power systems.

(f) Before January 1, 2008, the commission shall prepare and submit to the Legislature a report on the results of the proceeding.

SEC. 280. Section 7661 of the Public Utilities Code is amended to read:

7661. (a) The commission shall require every railroad corporation operating in this state to develop, within 90 days of the effective date of the act adding this section, in consultation with, and with the approval of, the ~~Office of Emergency Services~~ *California Emergency Management Agency*, a protocol for rapid communications with the ~~Office of Emergency Services~~ *agency*, the Department of the California Highway Patrol, and designated county public safety agencies in an endangered area if there is a runaway train or any other uncontrolled train movement that threatens public health and safety.

(b) A railroad corporation shall promptly notify the ~~Office of Emergency Services~~ *California Emergency Management Agency*, the Department of the California Highway Patrol, and designated county public safety agencies, through a communication to the Warning Center of the ~~Office of Emergency Services~~ *California Emergency Management Agency*, if there is a runaway train or any other uncontrolled train movement that threatens public health and safety, in accordance with the railroad corporation's communications protocol developed pursuant to subdivision (a).

(c) The notification required pursuant to subdivision (b) shall include the following information, whether or not an accident or spill occurs:

(1) The information required by subdivision (c) of Section 7673.

(2) In the event of a runaway train, a train list.

(3) In the event of an uncontrolled train movement or uncontrolled movement of railcars, a track list or other inventory document if available.

(d) The consumer protection and safety division shall investigate any incident that results in a notification required pursuant to subdivision (b), and shall report its findings concerning the cause

1 or causes to the commission. The commission shall include the
2 division's report in its report to the Legislature pursuant to Section
3 7711.

4 SEC. 281. Section 7662 of the Public Utilities Code is amended
5 to read:

6 7662. (a) (1) A railroad corporation shall place appropriate
7 signage to notify an engineer of an approaching grade crossing,
8 consistent with federal law.

9 (2) Whistle post signs shall be deemed to satisfy this
10 requirement.

11 (b) (1) Whenever a railroad issues written or verbal instructions
12 to employees that may restrict or stop train movements because
13 of track conditions, structures, persons, or equipment working,
14 appropriate flags that are readily visible and easily recognizable
15 to the crews on both passenger and freight trains shall be displayed
16 as quickly as practicable. Yellow flags shall be used for temporary
17 speed restrictions, consistent with paragraphs (2) and (3).
18 Yellow-red flags shall be used, consistent with paragraphs (4) and
19 (5), when a train may be required to stop.

20 (2) Yellow flags shall be used to warn trains to restrict
21 movement because of track conditions or structures. Except as
22 provided in paragraph (3), a yellow flag shall be displayed two
23 miles before the restricted area in order to ensure that train
24 movement is restricted at the proper location.

25 (3) When the restricted area is close to a terminal, junction, or
26 another area, the yellow flag may be displayed less than two miles
27 before the restricted area. This information shall be included in
28 the written instructions to employees issued pursuant to paragraph
29 (1).

30 (4) Yellow-red flags shall be used to warn trains to be prepared
31 to stop because of persons or equipment working. A yellow-red
32 flag shall be displayed two miles before the restricted area in order
33 to ensure that the train is prepared to stop at the proper location.

34 (5) When the restricted area is close to a terminal, junction, or
35 other area, the yellow-red flag may be displayed less than two
36 miles before the restricted area. This information shall be included
37 in the written instructions to employees issued pursuant to
38 paragraph (1).

39 (6) Flags shall be displayed only on the track affected and shall
40 be displayed to the right side of the track as viewed from the

1 approaching train. The flags shall be displayed to protect all
2 possible access to the restricted area.

3 (c) A railroad corporation shall provide milepost markers to
4 train crews at accurate one-mile intervals. The markers shall be
5 readily visible to the locomotive engineer within the locomotive
6 cab, and shall be kept in good repair and replaced when necessary.

7 (d) A railroad corporation shall place whistle signs to the right
8 of the main track in the direction of approach, exactly one-quarter
9 mile from the entrance to any grade crossing as a point of reference
10 for locomotive engineers who blow the whistle and ring the bell
11 for these grade crossings as a warning to the public. The signs,
12 which shall consist of an “X” or “W” or other identifiable mark
13 or symbol on a square plate mounted on a post, shall be readily
14 visible to a locomotive engineer within the locomotive cab, shall
15 be kept in good repair, and shall be replaced when necessary.

16 (e) A railroad corporation shall place permanent speed signs to
17 the right of the track in the direction of approach, two miles in
18 advance of the point where the speed is either increased or
19 decreased for both passenger and freight trains. The signs shall be
20 readily visible to a locomotive engineer within the locomotive cab,
21 shall be kept in good repair, and shall be replaced when necessary.

22 (f) A railroad corporation shall notify the commission and the
23 collective bargaining representative of any affected employee of
24 any new utilization of remote control locomotives in the state, on
25 or after January 1, 2007.

26 (g) A railroad corporation shall provide immediate notification
27 to the ~~Office of Emergency Services~~ *California Emergency*
28 *Management Agency* of accidents, incidents, and other events,
29 concurrent with those provided to the Federal Railroad
30 Administration’s National Response Center, as required by Part
31 225.9 of Title 49 of the Code of Federal Regulations.

32 SEC. 282. Section 7663 of the Public Utilities Code is amended
33 to read:

34 7663. Whenever the Department of the California Highway
35 Patrol or a designated local public safety agency responds to a
36 railroad accident, the accident shall be reported to the ~~Office of~~
37 ~~Emergency Services~~ *California Emergency Management Agency*.

38 SEC. 283. Section 7665.1 is added to the Public Utilities Code,
39 to read:

1 7665.1. Unless the context requires otherwise, for purposes of
2 this article:

3 (a) “Agency” means the California Emergency Management
4 Agency.

5 (b) “Secretary” means the Secretary of the California Emergency
6 Management Agency.

7 SEC. 284. Section 7665.2 of the Public Utilities Code is
8 amended to read:

9 7665.2. By July 1, 2007, every operator of rail facilities shall
10 provide a risk assessment to the commission, ~~the Director of~~
11 ~~Homeland Security, and the Office of Emergency Services and~~
12 *the agency* for each rail facility in the state that is under its
13 ownership, operation, or control. The risk assessment shall, for
14 each rail facility, describe all of the following:

15 (a) The location and functions of the rail facility.

16 (b) All types of cargo that are moved through, or stored at, the
17 rail facility.

18 (c) Any hazardous cargo that is moved through, or stored at,
19 the rail facility.

20 (d) The frequency that any hazardous cargo is moved through,
21 or stored at, the rail facility.

22 (e) A description of the practices of the rail operator to prevent
23 acts of sabotage, terrorism, or other crimes on the rail facility.

24 (f) All training programs that the rail operator requires for its
25 employees at the rail facility.

26 (g) The emergency response procedures of the rail operator to
27 deal with acts of sabotage, terrorism, or other crimes at the rail
28 facility.

29 (h) The procedures of the rail operator to communicate with
30 local and state law enforcement personnel, emergency personnel,
31 transportation officials, and other first responders, in the event of
32 acts of sabotage, terrorism, or other crimes at the rail facility.

33 SEC. 285. Section 7665.3 of the Public Utilities Code is
34 amended to read:

35 7665.3. ~~The Office of Emergency Services~~ *agency* may provide
36 the risk assessment provided pursuant to Section 7665.2 to other
37 law enforcement or emergency personnel.

38 SEC. 286. Section 7665.4 of the Public Utilities Code is
39 amended to read:

1 7665.4. (a) By January 1, 2008, every rail operator shall
2 develop and implement an infrastructure protection program to
3 protect rail infrastructure in the state from acts of sabotage,
4 terrorism, or other crimes.

5 (b) (1) The infrastructure protection program shall address the
6 security of all critical infrastructure.

7 (2) The infrastructure protection program shall provide training
8 to all employees of the rail operator performing work at a rail
9 facility on how to recognize, prevent, and respond to acts of
10 sabotage, terrorism, or other crimes.

11 (c) (1) All employees of a contractor or subcontractor of a rail
12 operator, and any other person performing work at a rail facility
13 that is not the employee of the rail operator, shall receive training
14 equivalent to that received by employees of the rail operator
15 pursuant to paragraph (2) of subdivision (b), within a reasonable
16 period of time. The commission, in consultation with the ~~Director~~
17 ~~of Homeland Security~~ *secretary*, may adopt reasonable rules or
18 orders to implement this requirement.

19 (2) All employees of a contractor or subcontractor of a rail
20 operator, and any other person performing work at a rail facility
21 that is not the employee of the rail operator, shall undergo an
22 equivalent evaluation of their background, skills, and fitness as
23 the rail operator implements for its employees pursuant to its
24 infrastructure protection plan. The commission, in consultation
25 with the ~~Director of Homeland Security~~ *secretary*, may adopt
26 reasonable rules or orders to implement this requirement.

27 (d) Each rail operator in the state shall provide to the
28 commission, ~~the Director of Homeland Security, and the Office~~
29 ~~of Emergency Services and the secretary~~ a copy of its infrastructure
30 protection program. Notwithstanding Chapter 3.5 (commencing
31 with Section 6250) of Division 7 of Title 1 of the Government
32 Code, the commission, ~~the Director of Homeland Security, and~~
33 ~~the Office of Emergency Services and the secretary~~ shall keep this
34 information confidential.

35 (e) The infrastructure protection program shall be updated by
36 the rail operator at least once every year, and the updated plan
37 shall be submitted to the commission, ~~the Director of Homeland~~
38 ~~Security, and the Office of Emergency Services and the secretary.~~

39 (f) The commission, in consultation with the ~~Office of~~
40 ~~Emergency Services~~ *agency*, shall review the infrastructure

1 protection program submitted by a rail operator, may conduct
2 inspections to facilitate the review, and may order a rail operator
3 to improve, modify, or change its program to comply with the
4 requirements of this article.

5 (g) The commission may fine a rail operator for failure to
6 comply with the requirements of this section or an order of the
7 commission pursuant to this section.

8 SEC. 287. Section 7673 of the Public Utilities Code is amended
9 to read:

10 7673. Each railroad corporation which transports hazardous
11 materials in the state shall do all of the following:

12 (a) Provide a system map of the state to the Office of Emergency
13 Services and to the Public Utilities Commission, showing practical
14 groupings of mileposts on the system and showing mileposts of
15 stations, terminals, junction points, road crossings, and the locations
16 of natural gas and liquid pipelines in railroad rights-of-way.

17 (b) Annually submit to the ~~Office of Emergency Services~~
18 *California Emergency Management Agency* a copy of a publication
19 which identifies emergency handling guidelines for the surface
20 transportation of hazardous materials, except that if the railroad
21 corporation is classified as a class I carrier by the Interstate
22 Commerce Commission pursuant to Subpart A of Part 1201 of
23 Subchapter C of Chapter X of the Code of Federal Regulations,
24 the railroad corporation shall annually submit to the ~~Office of~~
25 ~~Emergency Services~~ *California Emergency Management Agency*
26 50 copies of this publication which the ~~Office of Emergency~~
27 ~~Services~~ *agency* shall make available to the Public Utilities
28 Commission and local administering agencies and to other response
29 agencies. These guidelines shall not be considered comprehensive
30 instructions for the handling of any specific incident.

31 (c) If there is a train incident resulting in a release or an
32 overturned railcar or an impact which threatens a release of a
33 hazardous material, provide the emergency response agency with
34 all of the following information:

- 35 (1) A list of each car in the train and the order of the cars.
36 (2) The contents of each car, if loaded, in the train.
37 (3) Identification of the cars and contents in the train which are
38 involved in the incident, including, but not limited to, those cars
39 which have derailed.

(4) Emergency handling procedures for each hazardous material transported in or on the involved cars of the train.

SEC. 288. Section 7710 of the Public Utilities Code is amended to read:

7710. For purposes of this article, the following definitions shall apply:

(a) "Commission" shall mean the Public Utilities Commission.

~~(b) "Director" means the Director of the Office of Emergency Services.~~

~~(c)~~

(b) "Fund" means the Rail Accident Prevention and Response Fund created pursuant to Section 7713.

~~(d) "Office" means the Office of Emergency Services.~~

~~(e)~~

(c) "Prevention account" means the Hazardous Spill Prevention Account created, pursuant to Section 7714, in the Railroad Accident Prevention and Response Fund.

~~(f)~~

(d) "Secretary" means the Secretary of the California Environmental Protection Agency.

SEC. 289. Section 7718 of the Public Utilities Code is amended to read:

7718. (a) The Railroad Accident Prevention and Immediate Deployment Force is hereby created in the California Environmental Protection Agency. The force shall be responsible for providing immediate onsite response capability in the event of large-scale releases of toxic materials resulting from surface transportation accidents and for implementing the state hazardous materials incident prevention and immediate deployment plan. This force shall act cooperatively and in concert with existing local emergency response units. The force shall consist of representatives of all of the following:

(1) Department of Fish and Game.

(2) California Environmental Protection Agency.

(3) State Air Resources Board.

(4) California Integrated Waste Management Board.

(5) California regional water quality control boards.

(6) Department of Toxic Substances Control.

(7) Department of Pesticide Regulation.

(8) Office of Environmental Health Hazard Assessment.

- (9) State Department of Health Services.
- (10) Department of the California Highway Patrol.
- (11) Department of Food and Agriculture.
- (12) Department of Forestry and Fire Protection.
- (13) Department of Parks and Recreation.
- (14) Department of Boating and Waterways.
- (15) California Public Utilities Commission.
- (16) Any other potentially affected state, local, or federal agency.
- (17) ~~Office of Emergency Services—California Emergency~~

Management Agency.

(b) The California Environmental Protection Agency shall develop a state railroad accident prevention and immediate deployment plan in cooperation with the State Fire Marshal, affected businesses, and all of the entities listed in paragraphs (1) to (17), inclusive, of subdivision (a).

(c) The plan specified in subdivision (b) shall be a comprehensive set of policies and directions that every potentially affected state agency and business shall follow if there is a railroad accident to minimize the potential damage to the public health and safety, property, and environment that might result from accidents involving railroad activities in the state.

SEC. 290. Section 97.2 of the Revenue and Taxation Code is amended to read:

97.2. Notwithstanding any other provision of this chapter, the computations and allocations made by each county pursuant to Section 96.1 or its predecessor section shall be modified for the 1992–93 fiscal year pursuant to subdivisions (a) to (d), inclusive, and for the 1997–98 and 1998–99 fiscal years pursuant to subdivision (e), as follows:

(a) (1) Except as provided in paragraph (2), the amount of property tax revenue deemed allocated in the prior fiscal year to each county shall be reduced by the dollar amounts indicated as follows, multiplied by 0.953649:

	Property Tax Reduction per County
Alameda.....	\$ 27,323,576
Alpine.....	5,169
Amador.....	286,131

1	Butte.....	846,452
2	Calaveras.....	507,526
3	Colusa.....	186,438
4	Contra Costa.....	12,504,318
5	Del Norte.....	46,523
6	El Dorado.....	1,544,590
7	Fresno.....	5,387,570
8	Glenn.....	378,055
9	Humboldt.....	1,084,968
10	Imperial.....	998,222
11	Inyo.....	366,402
12	Kern.....	6,907,282
13	Kings.....	1,303,774
14	Lake.....	998,222
15	Lassen.....	93,045
16	Los Angeles.....	244,178,806
17	Madera.....	809,194
18	Marin.....	3,902,258
19	Mariposa.....	40,136
20	Mendocino.....	1,004,112
21	Merced.....	2,445,709
22	Modoc.....	134,650
23	Mono.....	319,793
24	Monterey.....	2,519,507
25	Napa.....	1,362,036
26	Nevada.....	762,585
27	Orange.....	9,900,654
28	Placer.....	1,991,265
29	Plumas.....	71,076
30	Riverside.....	7,575,353
31	Sacramento.....	15,323,634
32	San Benito.....	198,090
33	San Bernardino.....	14,467,099
34	San Diego.....	17,687,776
35	San Francisco.....	53,266,991
36	San Joaquin.....	8,574,869
37	San Luis Obispo.....	2,547,990
38	San Mateo.....	7,979,302
39	Santa Barbara.....	4,411,812
40	Santa Clara.....	20,103,706

1	Santa Cruz.....	1,416,413
2	Shasta.....	1,096,468
3	Sierra.....	97,103
4	Siskiyou.....	467,390
5	Solano.....	5,378,048
6	Sonoma.....	5,455,911
7	Stanislaus.....	2,242,129
8	Sutter.....	831,204
9	Tehama.....	450,559
10	Trinity.....	50,399
11	Tulare.....	4,228,525
12	Tuolumne.....	740,574
13	Ventura.....	9,412,547
14	Yolo.....	1,860,499
15	Yuba.....	842,857

16

17 (2) Notwithstanding paragraph (1), the amount of the reduction
18 specified in that paragraph for any county or city and county that
19 has been materially and substantially impacted as a result of a
20 federally declared disaster, as evidenced by at least 20 percent of
21 the cities, or cities and unincorporated areas of the county
22 representing 20 percent of the population within the county
23 suffering substantial damage, as certified by the ~~Director~~ *Secretary*
24 ~~of the Office of Emergency Services~~ *Emergency Management*,
25 occurring between October 1, 1989, and the effective date of this
26 section, shall be reduced by that portion of five million dollars
27 (\$5,000,000) determined for that county or city and county pursuant
28 to subparagraph (B) of paragraph (3).

29 (3) On or before October 1, 1992, the Director of Finance shall
30 do all of the following:

31 (A) Determine the population of each county and city and county
32 in which a federally declared disaster has occurred between October
33 1, 1989, and the effective date of this section.

34 (B) Determine for each county and city and county as described
35 in subparagraph (A) its share of five million dollars (\$5,000,000)
36 on the basis of that county's population relative to the total
37 population of all counties described in subparagraph (A).

38 (C) Notify each auditor of each county and city and county of
39 the amounts determined pursuant to subparagraph (B).

(b) (1) Except as provided in paragraph (2), the amount of property tax revenue deemed allocated in the prior fiscal year to each city, except for a newly incorporated city that did not receive property tax revenues in the 1991–92 fiscal year, shall be reduced by 9 percent. In making the above computation with respect to cities in Alameda County, the computation for a city described in paragraph (6) of subdivision (a) of Section 100.7, as added by Section 73.5 of Chapter 323 of the Statutes of 1983, shall be adjusted so that the amount multiplied by 9 percent is reduced by the amount determined for that city for “museums” pursuant to paragraph (2) of subdivision (h) of Section 95.

(2) Notwithstanding paragraph (1), the amount of the reduction determined pursuant to that paragraph for any city that has been materially and substantially impacted as a result of a federally declared disaster, as certified by the ~~Director~~ *Secretary* of the ~~Office of Emergency Services~~ *California Emergency Management Agency*, occurring between October 1, 1989, and the effective date of this section, shall be reduced by that portion of fifteen million dollars (\$15,000,000) determined for that city pursuant to subparagraph (B) of paragraph (3).

(3) On or before October 1, 1992, the Director of Finance shall do all of the following:

(A) Determine the population of each city in which a federally declared disaster has occurred between October 1, 1989, and the effective date of this section.

(B) Determine for each city as described in subparagraph (A) its share of fifteen million dollars (\$15,000,000) on the basis of that city’s population relative to the total population of all cities described in subparagraph (A).

(C) Notify each auditor of each county and city and county of the amounts determined pursuant to subparagraph (B).

(4) In the 1992–93 fiscal year and each fiscal year thereafter, the auditor shall adjust the computations required pursuant to Article 4 (commencing with Section 98) so that those computations do not result in the restoration of any reduction required pursuant to this section.

(c) (1) Subject to paragraph (2), the amount of property tax revenue, other than those revenues that are pledged to debt service, deemed allocated in the prior fiscal year to a special district, other than a multicounty district, a local hospital district, or a district

1 governed by a city council or whose governing board has the same
2 membership as a city council, shall be reduced by 35 percent. For
3 purposes of this subdivision, “revenues that are pledged to debt
4 service” include only those amounts required to pay debt service
5 costs in the 1991–92 fiscal year on debt instruments issued by a
6 special district for the acquisition of capital assets.

7 (2) No reduction pursuant to paragraph (1) for any special
8 district, other than a countywide water agency that does not sell
9 water at retail, shall exceed an amount equal to 10 percent of that
10 district’s total annual revenues, from whatever source, as shown
11 in the 1989–90 edition of the State Controller’s Report on Financial
12 Transactions Concerning Special Districts (not including any
13 annual revenues from fiscal years following the 1989–90 fiscal
14 year). With respect to any special district, as defined pursuant to
15 subdivision (m) of Section 95, that is allocated property tax revenue
16 pursuant to this chapter but does not appear in the State Controller’s
17 Report on Financial Transactions Concerning Special Districts,
18 the auditor shall determine the total annual revenues for that special
19 district from the information in the 1989–90 edition of the State
20 Controller’s Report on Financial Transactions Concerning
21 Counties. With respect to a special district that did not exist in the
22 1989–90 fiscal year, the auditor may use information from the first
23 full fiscal year, as appropriate, to determine the total annual
24 revenues for that special district. No reduction pursuant to
25 paragraph (1) for any countywide water agency that does not sell
26 water at retail shall exceed an amount equal to 10 percent of that
27 portion of that agency’s general fund derived from property tax
28 revenues.

29 (3) The auditor in each county shall, on or before January 15,
30 1993, and on or before January 30 of each year thereafter, submit
31 information to the Controller concerning the amount of the property
32 tax revenue reduction to each special district within that county
33 as a result of paragraphs (1) and (2). The Controller shall certify
34 that the calculation of the property tax revenue reduction to each
35 special district within that county is accurate and correct, and
36 submit this information to the Director of Finance.

37 (A) The Director of Finance shall determine whether the total
38 of the amounts of the property tax revenue reductions to special
39 districts, as certified by the Controller, is equal to the amount that
40 would be required to be allocated to school districts and community

1 college districts as a result of a three hundred seventy-five million
2 dollar (\$375,000,000) shift of property tax revenues from special
3 districts for the 1992–93 fiscal year. If, for any year, the total of
4 the amount of the property tax revenue reductions to special
5 districts is less than the amount as described in the preceding
6 sentence, the amount of property tax revenue, other than those
7 revenues that are pledged to debt service, deemed allocated in the
8 prior fiscal year to a special district, other than a multicounty
9 district, a local hospital district, or a district governed by a city
10 council or whose governing board has the same membership as a
11 city council, shall, subject to subparagraph (B), be reduced by an
12 amount up to 5 percent of the amount subject to reduction for that
13 district pursuant to paragraphs (1) and (2).

14 (B) No reduction pursuant to subparagraph (A), in conjunction
15 with a reduction pursuant to paragraphs (1) and (2), for any special
16 district, other than a countywide water agency that does not sell
17 water at retail, shall exceed an amount equal to 10 percent of that
18 district's total annual revenues, from whatever source, as shown
19 in the most recent State Controller's Report on Financial
20 Transactions Concerning Special Districts. No reduction pursuant
21 to subparagraph (A), in conjunction with a reduction pursuant to
22 paragraphs (1) and (2), for any countywide water agency that does
23 not sell water at retail shall exceed an amount equal to 10 percent
24 of that portion of that agency's general fund derived from property
25 tax revenues.

26 (C) In no event shall the amount of the property tax revenue
27 loss to a special district derived pursuant to subparagraphs (A) and
28 (B) exceed 40 percent of that district's property tax revenues or
29 10 percent of that district's total revenues, from whatever source.

30 (4) For the purpose of determining the total annual revenues of
31 a special district that provides fire protection or fire suppression
32 services, all of the following shall be excluded from the
33 determination of total annual revenues:

34 (A) If the district had less than two million dollars (\$2,000,000)
35 in total annual revenues in the 1991–92 fiscal year, the revenue
36 generated by a fire suppression assessment levied pursuant to
37 Article 3.6 (commencing with Section 50078) of Chapter 1 of Part
38 1 of Division 1 of Title 5 of the Government Code.

39 (B) The total amount of all funds, regardless of the source, that
40 are appropriated to a district, including a fire department, by a

1 board of supervisors pursuant to Section 25642 of the Government
2 Code or Chapter 7 (commencing with Section 13890) of Part 2.7
3 of Division 12 of the Health and Safety Code for fire protection.
4 The amendment of this subparagraph by Chapter 290 of the Statutes
5 of 1997 shall not be construed to affect any exclusion from the
6 total annual revenues of a special district that was authorized by
7 this subparagraph as it read prior to that amendment.

8 (C) The revenue received by a district as a result of contracts
9 entered into pursuant to Section 4133 of the Public Resources
10 Code.

11 (5) For the purpose of determining the total annual revenues of
12 a resource conservation district, all of the following shall be
13 excluded from the determination of total annual revenues:

14 (A) Any revenues received by that district from the state for
15 financing the acquisition of land, or the construction or
16 improvement of state projects, and for which that district serves
17 as the fiscal agent in administering those state funds pursuant to
18 an agreement entered into between that district and a state agency.

19 (B) Any amount received by that district as a private gift or
20 donation.

21 (C) Any amount received as a county grant or contract as
22 supplemental to, or independent of, that district's property tax
23 share.

24 (D) Any amount received by that district as a federal or state
25 grant.

26 (d) (1) The amount of property tax revenues not allocated to
27 the county, cities within the county, and special districts as a result
28 of the reductions calculated pursuant to subdivisions (a), (b), and
29 (c) shall instead be deposited in the Educational Revenue
30 Augmentation Fund to be established in each county. The amount
31 of revenue in the Educational Revenue Augmentation Fund,
32 derived from whatever source, shall be allocated pursuant to
33 paragraphs (2) and (3) to school districts and county offices of
34 education, in total, and to community college districts, in total, in
35 the same proportion that property tax revenues were distributed
36 to school districts and county offices of education, in total, and
37 community college districts, in total, during the 1991–92 fiscal
38 year.

39 (2) The auditor shall, based on information provided by the
40 county superintendent of schools pursuant to this paragraph,

1 allocate the proportion of the Educational Revenue Augmentation
2 Fund to those school districts and county offices of education
3 within the county that are not excess tax school entities, as defined
4 in subdivision (n) of Section 95. The county superintendent of
5 schools shall determine the amount to be allocated to each school
6 district and county office of education in inverse proportion to the
7 amounts of property tax revenue per average daily attendance in
8 each school district and county office of education. In no event
9 shall any additional money be allocated from the fund to a school
10 district or county office of education upon that school district or
11 county office of education becoming an excess tax school entity.

12 (3) The auditor shall, based on information provided by the
13 Chancellor of the California Community Colleges pursuant to this
14 paragraph, allocate the proportion of the Educational Revenue
15 Augmentation Fund to those community college districts within
16 the county that are not excess tax school entities, as defined in
17 subdivision (n) of Section 95. The chancellor shall determine the
18 amount to be allocated to each community college district in
19 inverse proportion to the amounts of property tax revenue per
20 funded full-time equivalent student in each community college
21 district. In no event shall any additional money be allocated from
22 the fund to a community college district upon that district becoming
23 an excess tax school entity.

24 (4) (A) If, after making the allocation required pursuant to
25 paragraph (2), the auditor determines that there are still additional
26 funds to be allocated, the auditor shall allocate those excess funds
27 pursuant to paragraph (3). If, after making the allocation pursuant
28 to paragraph (3), the auditor determines that there are still
29 additional funds to be allocated, the auditor shall allocate those
30 excess funds pursuant to paragraph (2).

31 (B) (i) (I) For the 1995–96 fiscal year and each fiscal year
32 thereafter, if, after making the allocations pursuant to paragraphs
33 (2) and (3) and subparagraph (A), the auditor determines that there
34 are still additional funds to be allocated, the auditor shall, subject
35 to clauses (ii) and (iii), allocate those excess funds to the county
36 superintendent of schools. Funds allocated pursuant to this
37 subclause shall be counted as property tax revenues for special
38 education programs in augmentation of the amount calculated
39 pursuant to Section 2572 of the Education Code, to the extent that
40 those property tax revenues offset state aid for county offices of

1 education and school districts within the county pursuant to
2 subdivision (c) of Section 56836.08 of the Education Code.

3 (II) For the 2007–08 fiscal year and for each fiscal year
4 thereafter, both of the following apply:

5 (ia) In allocating the revenues described in subclause (I), the
6 auditor shall apportion funds to the appropriate special education
7 local plan area to cover the amount determined in Section
8 56836.173 of the Education Code.

9 (ib) Except as otherwise provided by sub-subclause (ia), property
10 tax revenues described in subclause (I) shall not be apportioned
11 to special education programs funded pursuant to Section
12 56836.173 of the Education Code.

13 (III) If, for the 2000–01 fiscal year or any fiscal year thereafter,
14 any additional revenues remain after the implementation of
15 subclauses (I) and (II), the auditor shall allocate those remaining
16 revenues among the county, cities, and special districts in
17 proportion to the amounts of ad valorem property tax revenue
18 otherwise required to be shifted from those local agencies to the
19 county’s Educational Revenue Augmentation Fund for the relevant
20 fiscal year.

21 (IV) A county Educational Revenue Augmentation Fund shall
22 not be required to provide funding for special education programs
23 funded pursuant to Section 56836.173 of the Education Code or
24 any predecessor to that section for a fiscal year prior to the 2007–08
25 fiscal year that it has not already provided for these programs prior
26 to the beginning of the 2007–08 fiscal year.

27 (ii) For the 1995–96 fiscal year only, clause (i) shall have no
28 application to the County of Mono and the amount allocated
29 pursuant to clause (i) in the County of Marin shall not exceed five
30 million dollars (\$5,000,000).

31 (iii) For the 1996–97 fiscal year only, the total amount of funds
32 allocated by the auditor pursuant to clause (i) and clause (i) of
33 subparagraph (B) of paragraph (4) of subdivision (d) of Section
34 97.3 shall not exceed that portion of two million five hundred
35 thousand dollars (\$2,500,000) that corresponds to the county’s
36 proportionate share of all moneys allocated pursuant to clause (i)
37 and clause (i) of subparagraph (B) of paragraph (4) of subdivision
38 (d) of Section 97.3 for the 1995–96 fiscal year. Upon the request
39 of the auditor, the Department of Finance shall provide to the

auditor all information in the department's possession that is necessary for the auditor to comply with this clause.

(iv) Notwithstanding clause (i) of this subparagraph, for the 1999–2000 fiscal year only, if, after making the allocations pursuant to paragraphs (2) and (3) and subparagraph (A), the auditor determines that there are still additional funds to be allocated, the auditor shall allocate the funds to the county, cities, and special districts in proportion to the amounts of ad valorem property tax revenue otherwise required to be shifted from those local agencies to the county's Educational Revenue Augmentation Fund for the relevant fiscal year. The amount allocated pursuant to this clause shall not exceed eight million two hundred thirty-nine thousand dollars (\$8,239,000), as appropriated in Item 6110-250-0001 of Section 2.00 of the Budget Act of 1999 (Chapter 50, Statutes of 1999). This clause shall be operative for the 1999–2000 fiscal year only to the extent that moneys are appropriated for purposes of this clause in the Budget Act of 1999 by an appropriation that specifically references this clause.

(C) For purposes of allocating the Educational Revenue Augmentation Fund for the 1996–97 fiscal year, the auditor shall, after making the allocations for special education programs, if any, required by subparagraph (B), allocate all remaining funds among the county, cities, and special districts in proportion to the amounts of ad valorem property tax revenue otherwise required to be shifted from those local agencies to the county's Educational Revenue Augmentation Fund for the relevant fiscal year. For purposes of ad valorem property tax revenue allocations for the 1997–98 fiscal year and each fiscal year thereafter, no amount of ad valorem property tax revenue allocated to the county, a city, or a special district pursuant to this subparagraph shall be deemed to be an amount of ad valorem property tax revenue allocated to that local agency in the prior fiscal year.

(5) For purposes of allocations made pursuant to Section 96.1 or its predecessor section for the 1993–94 fiscal year, the amounts allocated from the Educational Revenue Augmentation Fund pursuant to this subdivision, other than amounts deposited in the Educational Revenue Augmentation Fund pursuant to Section 33681 of the Health and Safety Code, shall be deemed property tax revenue allocated to the Educational Revenue Augmentation Fund in the prior fiscal year.

1 (e) (1) For the 1997–98 fiscal year:

2 (A) The amount of property tax revenue deemed allocated in
3 the prior fiscal year to any city subject to the reduction specified
4 in paragraph (2) of subdivision (b) shall be reduced by an amount
5 that is equal to the difference between the amount determined for
6 the city pursuant to paragraph (1) of subdivision (b) and the amount
7 of the reduction determined for the city pursuant to paragraph (2)
8 of subdivision (b).

9 (B) The amount of property tax revenue deemed allocated in
10 the prior fiscal year to any county or city and county subject to the
11 reduction specified in paragraph (2) of subdivision (a) shall be
12 reduced by an amount that is equal to the difference between the
13 amount specified for the county or city and county pursuant to
14 paragraph (1) of subdivision (a) and the amount of the reduction
15 determined for the county or city and county pursuant to paragraph
16 (2) of subdivision (a).

17 (2) The amount of property tax revenues not allocated to a city
18 or city and county as a result of this subdivision shall be deposited
19 in the Educational Revenue Augmentation Fund described in
20 subparagraph (A) of paragraph (1) of subdivision (d).

21 (3) For purposes of allocations made pursuant to Section 96.1
22 for the 1998–99 fiscal year, the amounts allocated from the
23 Educational Revenue Augmentation Fund pursuant to this
24 subdivision shall be deemed property tax revenues allocated to the
25 Educational Revenue Augmentation Fund in the prior fiscal year.

26 (f) It is the intent of the Legislature in enacting this section that
27 this section supersede and be operative in place of Section 97.03
28 of the Revenue and Taxation Code, as added by Senate Bill 617
29 of the 1991–92 Regular Session.

30 SEC. 291. Section 165 of the Vehicle Code is amended to read:

31 165. An authorized emergency vehicle is:

32 (a) Any publicly owned and operated ambulance, lifeguard, or
33 lifesaving equipment or any privately owned or operated ambulance
34 licensed by the Commissioner of the California Highway Patrol
35 to operate in response to emergency calls.

36 (b) Any publicly owned vehicle operated by the following
37 persons, agencies, or organizations:

38 (1) Any federal, state, or local agency, department, or district
39 employing peace officers as that term is defined in Chapter 4.5

(commencing with Section 830) of Part 2 of Title 3 of the Penal Code, for use by those officers in the performance of their duties.

(2) Any forestry or fire department of any public agency or fire department organized as provided in the Health and Safety Code.

(c) Any vehicle owned by the state, or any bridge and highway district, and equipped and used either for fighting fires, or towing or servicing other vehicles, caring for injured persons, or repairing damaged lighting or electrical equipment.

(d) Any state-owned vehicle used in responding to emergency fire, rescue or communications calls and operated either by the ~~Office of Emergency Services~~ *California Emergency Management Agency* or by any public agency or industrial fire department to which the ~~Office of Emergency Services~~ *California Emergency Management Agency* has assigned the vehicle.

(e) Any vehicle owned or operated by any department or agency of the United States government when the vehicle is used in responding to emergency fire, ambulance, or lifesaving calls or is actively engaged in law enforcement work.

(f) Any vehicle for which an authorized emergency vehicle permit has been issued by the Commissioner of the California Highway Patrol.

SEC. 292. Section 5066 of the Vehicle Code is amended to read:

5066. (a) The department, in conjunction with the California Highway Patrol, shall design and make available for issuance pursuant to this article the California memorial license plate. Notwithstanding Section 5060, the California memorial license plate may be issued in a combination of numbers or letters, or both, as requested by the applicant for the plates. A person described in Section 5101, upon payment of the additional fees set forth in subdivision (b), may apply for and be issued a set of California memorial license plates.

(b) In addition to the regular fees for an original registration or renewal of registration, the following additional fees shall be paid for the issuance, renewal, retention, or transfer of the California memorial license plates authorized pursuant to this section:

(1) For the original issuance of the plates, fifty dollars (\$50).

(2) For a renewal of registration of the plates or retention of the plates, if renewal is not required, forty dollars (\$40).

1 (3) For transfer of the plates to another vehicle, fifteen dollars
2 (\$15).

3 (4) For each substitute replacement plate, thirty-five dollars
4 (\$35).

5 (5) In addition, for the issuance of an environmental license
6 plate, as defined in Section 5103, the additional fees required
7 pursuant to Sections 5106 and 5108 shall be deposited
8 proportionately in the funds described in subdivision (c).

9 (c) The department shall deposit the additional revenue derived
10 from the issuance, renewal, transfer, and substitution of California
11 memorial license plates as follows:

12 (1) Eighty-five percent in the Antiterrorism Fund, which is
13 hereby created in the General Fund.

14 (A) Upon appropriation by the Legislature, one-half of the
15 money in the fund shall be allocated by the Controller to the ~~Office~~
16 ~~of Emergency Services~~ *California Emergency Management Agency*
17 to be used solely for antiterrorism activities. The ~~office~~ *agency*
18 shall not use more than 5 percent of the money appropriated to it
19 for administrative purposes.

20 (B) Upon appropriation by the Legislature in the annual Budget
21 Act or in another statute, one-half of the money in the fund shall
22 be used solely for antiterrorism activities.

23 (2) Fifteen percent in the California Memorial Scholarship Fund,
24 which is hereby established in the General Fund. Money deposited
25 in this fund shall be administered by the Scholarshare Investment
26 Board, and shall be available, upon appropriation in the annual
27 Budget Act or in another statute, for distribution or encumbrance
28 by the board pursuant to Article 21.5 (commencing with Section
29 70010) of Chapter 2 of Part 42 of the Education Code.

30 (d) The department shall deduct its costs to administer, but not
31 to develop, the California memorial license plate program. The
32 department may utilize an amount of money, not to exceed fifty
33 thousand dollars (\$50,000) annually, derived from the issuance,
34 renewal, transfer, and substitution of California memorial license
35 plates for the continued promotion of the California memorial
36 license plate program of this section.

37 (e) For the purposes of this section, “antiterrorism activities”
38 means activities related to the prevention, detection, and emergency
39 response to terrorism that are undertaken by state and local law
40 enforcement, fire protection, and public health agencies. The funds

1 provided for these activities, to the extent that funds are available,
2 shall be used exclusively for purposes directly related to fighting
3 terrorism. Eligible activities include, but are not limited to, hiring
4 support staff to perform administrative tasks, hiring and training
5 additional law enforcement, fire protection, and public health
6 personnel, response training for existing and additional law
7 enforcement, fire protection, and public health personnel, and
8 hazardous materials and other equipment expenditures.

9 (f) Beginning January 1, 2007, and each January 1 thereafter,
10 the department shall determine the number of currently outstanding
11 and valid California memorial license plates. If that number is less
12 than 7,500 in any year, then the department shall no longer issue
13 or replace those plates.

14 SEC. 293. Section 9706 of the Vehicle Code is amended to
15 read:

16 9706. (a) Application for partial year registration in
17 conjunction with an application for original California registration
18 shall be made by the owner within 20 days of the date the vehicle
19 first becomes subject to California registration. Any application
20 for partial year registration submitted after that 20-day period shall
21 be denied registration for a partial year, and the vehicle shall be
22 subject to payment of the fees for the entire registration year. In
23 addition to the fee for the registration year, a penalty, as specified
24 in Section 9554, shall be added to the fee for registration.

25 (b) Any application to renew registration for a part of the
26 remainder of the registration year or for the entire remainder of
27 the registration year shall be made prior to midnight of the
28 expiration date of the last issued registration certificate. Application
29 shall be made upon presentation of the last issued registration card
30 or of a potential registration issued by the department for use at
31 the time of renewal and by payment of the required partial year
32 fees, or, if renewal is for the remainder of the registration year, by
33 payment of the annual fee required by Section 9400 or 9400.1, as
34 reduced pursuant to Section 9407.

35 (c) Notwithstanding any other provision of law, an owner who
36 registers a vehicle pursuant to this article during a calendar year
37 shall, if the vehicle was not operated, moved, or left standing upon
38 a highway, file a certificate of nonoperation prior to the date of
39 the first operation of the vehicle on the highways in a manner
40 which requires that registration and shall, by December 31 of each

1 calendar year thereafter, file a certification pursuant to subdivisions
2 (a) and (b) of Section 4604 when the vehicle is not registered for
3 operation on the highways for the succeeding calendar year.

4 (d) Notwithstanding subdivision (c), the owner of any vehicle
5 being moved or operated for the purpose of providing support to
6 firefighting operations while the vehicle or owner is under contract
7 to the United States Forestry Service, the United States Department
8 of the Interior, the Bureau of Land Management, the Department
9 of Forestry and Fire Protection, or the ~~Office of Emergency~~
10 ~~Services~~ *California Emergency Management Agency* may obtain
11 partial year registration if application is made within 20 days of
12 the date the vehicle is first operated, moved, or left standing on
13 the highway and the owner has obtained a letter of authorization
14 from the department prior to the date that the vehicle is first
15 operated, moved, or left standing on the highway.

16 SEC. 294. Section 23112.5 of the Vehicle Code is amended to
17 read:

18 23112.5. (a) Any person who dumps, spills, or causes the
19 release of hazardous material, as defined by Section 353, or
20 hazardous waste, as defined by Section 25117 of the Health and
21 Safety Code, upon any highway shall notify the Department of the
22 California Highway Patrol or the agency having traffic jurisdiction
23 for that highway of the dump, spill, or release, as soon as the person
24 has knowledge of the dump, spill, or release and notification is
25 possible. Upon receiving notification pursuant to this section, the
26 Department of the California Highway Patrol shall, as soon as
27 possible, notify the ~~Office of Emergency Services~~ *California*
28 *Emergency Management Agency* of the dump, spill, or release,
29 except for petroleum spills of less than 42 gallons from vehicular
30 fuel tanks.

31 (b) Any person who is convicted of a violation of this section
32 shall be punished by a mandatory fine of not less than two thousand
33 dollars (\$2,000).

34 SEC. 295. Section 25258 of the Vehicle Code is amended to
35 read:

36 25258. (a) An authorized emergency vehicle operating under
37 the conditions specified in Section 21055 may display a flashing
38 white light from a gaseous discharge lamp designed and used for
39 the purpose of controlling official traffic control signals.

(b) An authorized emergency vehicle used by a peace officer, as defined in Section 830.1 of, subdivision (a), (b), (c), (d), (e), (f), (g), or (i) of Section 830.2 of, *subdivision (n) of Section 830.3 of*, subdivision (b) of Section 830.31 of, subdivision (a) or (b) of Section 830.32 of, Section 830.33 of, subdivision (a) of Section 830.36 of, subdivision (a) of Section 830.4 of, or Section 830.6 of, the Penal Code, in the performance of the peace officer's duties, may, in addition, display a steady or flashing blue warning light visible from the front, sides, or rear of the vehicle.

(c) Except as provided in subdivision (a), a vehicle shall not be equipped with a device that emits any illumination or radiation that is designed or used for the purpose of controlling official traffic control signals.

SEC. 296. Section 34061 of the Vehicle Code is amended to read:

34061. The department shall compile data and annually publish a report relating to the level of cargo tank and hazardous waste transport vehicle and container inspections conducted during the previous year. The data included in the report shall include, but need not be limited to, all of the following:

(a) The number of inspections conducted.

(b) The number of violations recorded.

(c) The number of on-highway incidents involving cargo tanks and hazardous waste transport vehicles and containers that were reported to the ~~Office of Emergency Services California~~ *Emergency Management Agency* under Section 8574.17 of the Government Code.

SEC. 297. Section 128 of the Water Code is amended to read:

128. (a) In times of extraordinary stress and of disaster, resulting from storms and floods, or where damage to watershed lands by forest fires has created an imminent threat of floods and damage by water, mud, or debris upon the occurrence of storms, the department may perform any work required or take any remedial measures necessary to avert, alleviate, repair, or restore damage or destruction to property having a general public and state interest and to protect the health, safety, convenience, and welfare of the general public of the state. In carrying out that work, the department may perform the work itself or through or in cooperation with any other state department or agency, the federal government, or any political subdivision, city, or district.

(b) This section is intended to supplement the emergency services of the state, and nothing in this section overrides or supersedes the authority of the ~~Director~~ *Secretary* of the ~~Office of Emergency Services~~ *California Emergency Management Agency* to coordinate and supervise state action, upon a declaration of a state of emergency, under the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code) or the Disaster Assistance Act (Chapter 7.5 (commencing with Section 8680) of that division).

SEC. 298. Section 6025.6 of the Water Code is amended to read:

6025.6. (a) An owner of a structure defined as a dam pursuant to Section 6002, but excluded from that definition pursuant to subdivision (d) of Section 6004 or otherwise exempted from the requirements of this chapter pursuant to Section 6025.5, shall comply with the requirements of Section 8589.5 of the Government Code and shall employ a civil engineer who is registered in the state to supervise the structure for the protection of life and property for the full operating life of the structure.

(b) (1) The civil engineer supervising a dam pursuant to subdivision (a) shall take into consideration, in determining whether or not a dam constitutes, or would constitute, a danger to life or property, the possibility that the dam might be endangered by seepage, earth movement, or other conditions that exist, or might occur, in any area in the vicinity of the dam.

(2) If the civil engineer determines that a dam under his or her supervision constitutes, or would constitute, a danger to life or property, the civil engineer shall notify the owner of the dam and recommend appropriate action.

(c) The owner shall submit to the department the name, business address, and telephone number of each supervising civil engineer.

(d) The department shall submit the information provided pursuant to subdivision (c) to the ~~Office of Emergency Services~~ *California Emergency Management Agency* on or before January 1, 1995, and on or before each January 1 thereafter. Any change in the information shall be submitted to the department on or before July 1 of each year.

SEC. 299. Section 12994 of the Water Code is amended to read:

1 12994. (a) The Legislature finds and declares all of the
2 following:

3 (1) The CALFED Bay-Delta Program has identified as a core
4 action the need for emergency levee management planning for
5 delta levees to improve system reliability.

6 (2) Even with active levee maintenance, the threat of delta levee
7 failures from earthquake, flood, or poor levee foundation, will
8 continue to exist.

9 (3) Because of this threat of failure, and the potential need to
10 mobilize people and equipment in an emergency to protect delta
11 levees and public benefits, the department needs authority that will
12 enable it to act quickly.

13 (b) The department may do all of the following:

14 (1) In an emergency, as defined by Section 21060.3 of the Public
15 Resources Code, that requires immediate levee work to protect
16 public benefits in the delta, the department may use funds pursuant
17 to this part without prior approval of a plan by the board or the
18 Department of Fish and Game, in which case the requirements of
19 Sections 12314 and 12987, and the memorandum of understanding
20 pursuant to Section 12307, shall be carried out as soon as possible.

21 (A) The amount of funds that may be expended each year on
22 emergency levee work under this section shall not be greater than
23 two hundred thousand dollars (\$200,000) and the amount that may
24 be expended per emergency levee site shall not be greater than
25 fifty thousand dollars (\$50,000). The local agency shall fund 25
26 percent of the total costs of the emergency repair at a site or shall
27 fund an appropriate share of the costs as approved by the board
28 and based upon information of the local agency's ability to pay
29 for the repairs.

30 (B) Department contracts executed for emergency levee work
31 under this section shall be exempted from Department of General
32 Services approval required under the Public Contract Code.

33 (C) As soon as feasible after the emergency repair, the
34 department shall submit a report to the board describing the levee
35 work, costs incurred, and plans for future work at the site, including
36 any necessary mitigation.

37 (D) This section is intended to supplement emergency services
38 provided by the state or the United States. Nothing in this section
39 overrides or supersedes the authority of the ~~Director~~ *Secretary* of
40 ~~the Office of Emergency Services~~ *Emergency Management* under

1 the California Emergency Services Act (Chapter 7 (commencing
2 with Section 8550) of Division 1 of Title 2 of the Government
3 Code) or the Disaster Assistance Act (Chapter 7.5 (commencing
4 with Section 8680) of Division 1 of Title 2 of the Government
5 Code).

6 (2) Prepare and submit to the board for adoption a delta
7 emergency response plan for levee failures. The plan is exempt
8 from Chapter 3.5 (commencing with Section 11340) of Part 1 of
9 Division 3 of Title 2 of the Government Code. The plan may
10 include recommendations of the multiagency response team
11 established pursuant to paragraph (3) and may include, but not be
12 limited to, the following:

13 (A) Standardized contracts for emergency levee work to be
14 executed by the department, local agencies, or other appropriate
15 entities.

16 (B) Criteria for eligible emergency levee work.

17 (C) Definition of an emergency levee site.

18 (D) Documentation requirements.

19 (E) Proposals for complying with the federal Endangered
20 Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.) and the
21 California Endangered Species Act (Chapter 1.5 (commencing
22 with Section 2050) of Division 3 of the Fish and Game Code) in
23 an emergency.

24 (F) Stages of emergency response that may occur in various
25 situations.

26 (3) Establish a multiagency emergency response team, consisting
27 of representatives from the department, the board, the Department
28 of Fish and Game, the California Conservation Corps, the ~~Office~~
29 ~~of Emergency Services~~ *California Emergency Management*
30 *Agency*, the Federal Emergency Management Agency, the United
31 States Army Corps of Engineers, and the United States Fish and
32 Wildlife Service to advise on methods to ensure that levee
33 emergencies will be resolved as quickly and safely as possible.

34 SEC. 300. Section 13271 of the Water Code is amended to
35 read:

36 13271. (a) (1) Except as provided by subdivision (b), any
37 person who, without regard to intent or negligence, causes or
38 permits any hazardous substance or sewage to be discharged in or
39 on any waters of the state, or discharged or deposited where it is,
40 or probably will be, discharged in or on any waters of the state,

1 shall, as soon as (A) that person has knowledge of the discharge,(B)
2 notification is possible, and (C) notification can be provided
3 without substantially impeding cleanup or other emergency
4 measures, immediately notify the ~~Office of Emergency Services~~
5 *California Emergency Management Agency* of the discharge in
6 accordance with the spill reporting provision of the state toxic
7 disaster contingency plan adopted pursuant to Article 3.7
8 (commencing with Section 8574.16) of Chapter 7 of Division 1
9 of Title 2 of the Government Code.

10 (2) ~~The Office of Emergency Services~~ *California Emergency*
11 *Management Agency* shall immediately notify the appropriate
12 regional board, the local health officer, and the director of
13 environmental health of the discharge. The regional board shall
14 notify the state board as appropriate.

15 (3) Upon receiving notification of a discharge pursuant to this
16 section, the local health officer and the director of environmental
17 health shall immediately determine whether notification of the
18 public is required to safeguard public health and safety. If so, the
19 local health officer and the director of environmental health shall
20 immediately notify the public of the discharge by posting notices
21 or other appropriate means. The notification shall describe
22 measures to be taken by the public to protect the public health.

23 (b) The notification required by this section shall not apply to
24 a discharge in compliance with waste discharge requirements or
25 other provisions of this division.

26 (c) Any person who fails to provide the notice required by this
27 section is guilty of a misdemeanor and shall be punished by a fine
28 of not more than twenty thousand dollars (\$20,000) or
29 imprisonment in a county jail for not more than one year, or both.
30 Except where a discharge to the waters of this state would have
31 occurred but for cleanup or emergency response by a public agency,
32 this subdivision shall not apply to any discharge to land which
33 does not result in a discharge to the waters of this state.

34 (d) Notification received pursuant to this section or information
35 obtained by use of that notification shall not be used against any
36 person providing the notification in any criminal case, except in
37 a prosecution for perjury or giving a false statement.

38 (e) For substances listed as hazardous wastes or hazardous
39 material pursuant to Section 25140 of the Health and Safety Code,
40 the state board, in consultation with the Department of Toxic

1 Substances Control, shall by regulation establish reportable
2 quantities for purposes of this section. The regulations shall be
3 based on what quantities should be reported because they may
4 pose a risk to public health or the environment if discharged to
5 groundwater or surface water. Regulations need not set reportable
6 quantities on all listed substances at the same time. Regulations
7 establishing reportable quantities shall not supersede waste
8 discharge requirements or water quality objectives adopted
9 pursuant to this division, and shall not supersede or affect in any
10 way the list, criteria, and guidelines for the identification of
11 hazardous wastes and extremely hazardous wastes adopted by the
12 Department of Toxic Substances Control pursuant to Chapter 6.5
13 (commencing with Section 25100) of Division 20 of the Health
14 and Safety Code. The regulations of the Environmental Protection
15 Agency for reportable quantities of hazardous substances for
16 purposes of the Comprehensive Environmental Response,
17 Compensation, and Liability Act of 1980, as amended (42 U.S.C.
18 Sec. 9601 et seq.) shall be in effect for purposes of the enforcement
19 of this section until the time that the regulations required by this
20 subdivision are adopted.

21 (f) (1) The state board shall adopt regulations establishing
22 reportable quantities of sewage for purposes of this section. The
23 regulations shall be based on the quantities that should be reported
24 because they may pose a risk to public health or the environment
25 if discharged to groundwater or surface water. Regulations
26 establishing reportable quantities shall not supersede waste
27 discharge requirements or water quality objectives adopted
28 pursuant to this division. For purposes of this section, “sewage”
29 means the effluent of a municipal wastewater treatment plant or a
30 private utility wastewater treatment plant, as those terms are
31 defined in Section 13625, except that sewage does not include
32 recycled water, as defined in subdivisions (c) and (d) of Section
33 13529.2.

34 (2) A collection system owner or operator, as defined in
35 paragraph (1) of subdivision (a) of Section 13193, in addition to
36 the reporting requirements set forth in this section, shall submit a
37 report pursuant to subdivision (c) of Section 13193.

38 (g) Except as otherwise provided in this section and Section
39 8589.7 of the Government Code, a notification made pursuant to
40 this section shall satisfy any immediate notification requirement

1 contained in any permit issued by a permitting agency. When
2 notifying the ~~Office of Emergency Services~~ *California Emergency*
3 *Management Agency*, the person shall include all of the notification
4 information required in the permit.

5 (h) For the purposes of this section, the reportable quantity for
6 perchlorate shall be 10 pounds or more by discharge to the
7 receiving waters, unless a more restrictive reporting standard for
8 a particular body of water is adopted pursuant to subdivision (e).

9 (i) Notification under this section does not nullify a person's
10 responsibility to notify the local health officer or the director of
11 environmental health pursuant to Section 5411.5 of the Health and
12 Safety Code.

13 SEC. 301. Section 13272 of the Water Code is amended to
14 read:

15 13272. (a) Except as provided by subdivision (b), any person
16 who, without regard to intent or negligence, causes or permits any
17 oil or petroleum product to be discharged in or on any waters of
18 the state, or discharged or deposited where it is, or probably will
19 be, discharged in or on any waters of the state, shall, as soon as
20 (1) that person has knowledge of the discharge, (2) notification is
21 possible, and (3) notification can be provided without substantially
22 impeding cleanup or other emergency measures, immediately
23 notify the ~~Office of Emergency Services~~ *California Emergency*
24 *Management Agency* of the discharge in accordance with the spill
25 reporting provision of the California oil spill contingency plan
26 adopted pursuant to Article 3.5 (commencing with Section 8574.1)
27 of Chapter 7 of Division 1 of Title 2 of the Government Code.
28 This section shall not apply to spills of oil into marine waters as
29 defined in subdivision (f) of Section 8670.3 of the Government
30 Code.

31 (b) The notification required by this section shall not apply to
32 a discharge in compliance with waste discharge requirements or
33 other provisions of this division.

34 (c) Any person who fails to provide the notice required by this
35 section is guilty of a misdemeanor and shall be punished by a fine
36 of not less than five hundred dollars (\$500) or more than five
37 thousand dollars (\$5,000) per day for each day of failure to notify,
38 or imprisonment of not more than one year, or both. Except where
39 a discharge to the waters of this state would have occurred but for
40 cleanup or emergency response by a public agency, this subdivision

1 shall not apply to any discharge to land which does not result in a
2 discharge to the waters of this state. This subdivision shall not
3 apply to any person who is fined by the federal government for a
4 failure to report a discharge of oil.

5 (d) Notification received pursuant to this section or information
6 obtained by use of that notification shall not be used against any
7 person providing the notification in any criminal case, except in
8 a prosecution for perjury or giving a false statement.

9 (e) Immediate notification to the appropriate regional board of
10 the discharge, in accordance with reporting requirements set under
11 Section 13267 or 13383, shall constitute compliance with the
12 requirements of subdivision (a).

13 (f) The reportable quantity for oil or petroleum products shall
14 be one barrel (42 gallons) or more, by direct discharge to the
15 receiving waters, unless a more restrictive reporting standard for
16 a particular body of water is adopted.

17 SEC. 302. Section 73503 of the Water Code is amended to
18 read:

19 73503. (a) The city, in consultation with the association and
20 the offices of emergency services in Alameda County, Santa Clara
21 County, and San Mateo County, shall prepare an emergency
22 response plan describing how water service will be restored to the
23 area served by the bay area regional water system after an
24 interruption caused by earthquake or other natural or manmade
25 catastrophe. ~~A draft of the plan shall be submitted to the Office of~~
26 ~~Emergency Services on or before July 1, 2003, for comment and~~
27 ~~shall be adopted by the city on or before September 1, 2003~~
28 ~~catastrophe~~, and thereafter shall be implemented.

29 (b) During any interruption in supply caused by earthquake, or
30 other natural or manmade catastrophe, a regional wholesale water
31 supplier shall distribute water to customers on an equitable basis,
32 to the extent feasible given physical damage to the regional water
33 system, without preference or discrimination based on a customer's
34 geographic location within or outside the boundary of the regional
35 wholesale water supplier.

36 SEC. 303. Section 79522 of the Water Code is amended to
37 read:

38 79522. (a) Funds made available pursuant to Section 79520
39 shall be appropriated to the State Department of Health Services

1 to carry out this chapter consistent with the requirements and for
2 the purposes specified in Section 79520.

3 (b) In the development of priorities for expenditure of the funds
4 appropriated for the purposes of this section, the State Department
5 of Health Services shall consult with the ~~Office of Emergency~~
6 ~~Services~~ *California Emergency Management Agency*, the state
7 Office of Homeland Security and local water agencies to develop
8 criteria for the department's programs.

9 (c) Funds allocated pursuant to this section shall not be available
10 for grants that reimburse project costs incurred prior to the adoption
11 of criteria for the grants provided in this section.

12 (d) No grant funds may be awarded to supplant funding for the
13 routine responsibilities or obligations of any state, local, or regional
14 drinking water system.

15 SEC. 304. Section 1789 of the Welfare and Institutions Code
16 is amended to read:

17 1789. (a) A Runaway Youth and Families in Crisis Project
18 shall be established in one or more counties in the San Joaquin
19 Central Valley, in one or more counties in the northern region of
20 California, and in one or more counties in the southern region of
21 California. Each project may have one central location, or more
22 than one site, in order to effectively serve the target population.

23 (b) ~~The Office of Criminal Justice Planning~~ *California*
24 *Emergency Management Agency* shall prepare and disseminate a
25 request for proposals to prospective grantees under this chapter
26 within four months after this chapter has been approved and
27 enacted by the Legislature. ~~The Office of Criminal Justice Planning~~
28 *California Emergency Management Agency* shall enter into grant
29 award agreements for a period of no less than three years, and the
30 operation of projects shall begin no later than four months after
31 grant award agreements are entered into between the ~~Office of~~
32 ~~Criminal Justice Planning~~ agency and the grantee. Grants shall be
33 awarded based on the quality of the proposal, the documented need
34 for services in regard to runaway youth, and to organizations, as
35 specified in subdivision (d) of this section, in localities that receive
36 a disproportionately low share of existing federal and state support
37 for youth shelter programs.

38 (c) ~~The Office of Criminal Justice Planning~~ *California*
39 *Emergency Management Agency* shall require applicants to
40 identify, in their applications, measurable outcomes by which the

1 ~~Office of Criminal Justice Planning~~ agency will measure the
2 success of the applicant's project. These measurable outcomes
3 shall include, but not be limited to, the number of clients served
4 and the percentage of clients who are successfully returned to the
5 home of a parent or guardian or to an alternate living condition
6 when reunification is not possible.

7 (d) Only private, nonprofit organizations shall be eligible to
8 apply for funds under this chapter to operate a Runaway Youth
9 and Families in Crisis Project, and these organizations shall be
10 required to annually contribute a local match of at least 15 percent
11 in cash or in-kind contribution to the project during the term of
12 the grant award agreement. Preference shall be given to
13 organizations that demonstrate a record of providing effective
14 services to runaway youth or families in crisis for at least three
15 years, successfully operating a youth shelter for runaway and
16 homeless youth, or successfully operating a transitional living
17 facility for runaway and homeless youth who do not receive
18 transitional living services through the juvenile justice system.
19 Additional weight shall also be given to those organizations that
20 demonstrate a history of collaborating with other agencies and
21 individuals in providing such services. Priority shall be given to
22 organizations with existing facilities. Preference shall also be given
23 to organizations that demonstrate the ability to progressively
24 decrease their reliance on resources provided under this chapter
25 and to operate this project beyond the period that the organization
26 receives funds under this chapter.

27 SEC. 305. Section 1789.5 of the Welfare and Institutions Code
28 is repealed.

29 ~~1789.5. The Office of Criminal Justice Planning shall monitor~~
30 ~~and evaluate the projects established under this article, and shall~~
31 ~~report to the Legislature after the first and third year of the~~
32 ~~program's operation the results of its evaluation. In addition, each~~
33 ~~project shall be responsible for evaluating the effectiveness of its~~
34 ~~programs and services.~~

35 SEC. 306. Section 9625 of the Welfare and Institutions Code
36 is amended to read:

37 9625. (a) No later than June 30, 2007, each multipurpose senior
38 center and each senior center, as defined in subdivisions (j) and
39 (n) of Section 9591, shall develop and maintain a written

1 emergency operations plan. This emergency operations plan shall
2 include, but not be limited to, all of the following:

3 (1) Facility preparation procedures to identify the location of
4 first aid supplies, secure all furniture, appliances, and other
5 free-standing objects, and provide instructions for operating gas
6 and water shutoff valves.

7 (2) An inventory of neighborhood resources that shall include,
8 but not be limited to, the identification and location of all the
9 following nearby resources:

10 (A) Generators.

11 (B) Telephones.

12 (C) Hospitals and public health clinics.

13 (D) Fire stations and police stations.

14 (3) Evacuation procedures, including procedures to
15 accommodate those who will need assistance in evacuating the
16 center. This evacuation plan shall be located in an area that is
17 accessible to the public.

18 (4) Procedures to accommodate seniors, people with disabilities,
19 and other community members in need of shelter at the senior
20 center, in the event that other community facilities are inoperable.

21 (5) Personnel resources necessary for postdisaster response.

22 (6) Procedures for conducting periodic evacuation drills, fire
23 drills, and earthquake drills.

24 (7) Procedures to ensure service continuation after a disaster.

25 (8) Consideration of cultural and linguistic barriers in emergency
26 and evacuation plans, and ways to appropriately address those
27 barriers.

28 (b) In the development of the emergency operations plans
29 required by this chapter, multipurpose senior centers and senior
30 centers shall coordinate with the ~~Office of Emergency Services~~
31 *California Emergency Management Agency*, the local area agency
32 on aging, as defined in Section 9006, and other relevant agencies
33 and stakeholders.

34 SEC. 307. Section 14085.54 of the Welfare and Institutions
35 Code is amended to read:

36 14085.54. (a) The Los Angeles County University of Southern
37 California (LAC-USC) Medical Center may submit revised final
38 plans to the Office of Statewide Health Planning and Development
39 to replace the original capital expenditure project plans that met

1 the initial eligibility requirements provided for under Section
2 14085.5 if all of the following conditions are met:

3 (1) The revised capital expenditure project meets all other
4 requirements for eligibility as specified in Section 14085.5.

5 (2) The revised plans are submitted to the Office of Statewide
6 Health Planning and Development on or before December 31,
7 2002, except that, with respect to a facility in the San Gabriel
8 Valley of not less than 80 beds, the revised plans may be submitted
9 not later than December 31, 2003.

10 (3) The scope of the capital project shall consist of two facilities
11 with not less than a total of 680 beds.

12 (b) Funding under Section 14085.5 shall not be provided unless
13 all of the conditions specified in subdivision (a) are met.

14 (c) The revised plans for the LAC-USC Medical Center Capital
15 expenditure project may provide for one or more of the following
16 variations from the original capital expenditure project plan
17 submission:

18 (1) Total revisions or reconfigurations, or reductions in size and
19 scope.

20 (2) Reduction in, or modification of, some or all inpatient project
21 components.

22 (3) Tenant interior improvements not specified in the original
23 capital expenditure project plan submission.

24 (4) Modifications to the foundation, structural frame, and
25 building exterior shell, commonly known as the shell and core.

26 (5) Modifications necessary to comply with current seismic
27 safety standards.

28 (6) Expansion of outpatient service facilities that operate under
29 the LAC-USC Medical Center license.

30 (d) The revised capital expenditure project may provide for an
31 additional inpatient service site to the current LAC-USC Medical
32 Center only if the additional inpatient service site meets both of
33 the following criteria:

34 (1) The San Gabriel Valley site is owned and operated by the
35 County of Los Angeles.

36 (2) The San Gabriel Valley site is consolidated under the
37 LAC-USC Medical Center license.

38 (e) (1) Supplemental reimbursement for the revised capital
39 expenditure project for LAC-USC Medical Center, as described
40 in this section, shall be calculated pursuant to subdivision (c) of

1 Section 14085.5, as authorized and limited by this section. The
2 initial Medi-Cal inpatient utilization rate for the LAC-USC Medical
3 Center, for purposes of calculating the supplemental
4 reimbursement, shall be that which was established at the point of
5 the original capital expenditure project plan submission. The
6 revised capital expenditure project costs, including project costs
7 related to the additional inpatient service site, eligible for
8 supplemental reimbursement under this section shall not exceed
9 85 percent of the project costs, including all eligible construction,
10 architectural and engineering, design, management and consultant
11 costs that would have qualified for supplemental reimbursement
12 under the original capital project. The Legislature finds that the
13 original qualifying amount was one billion two hundred sixty-nine
14 million seven hundred thirty-five thousand dollars
15 (\$1,269,735,000).

16 (2) Notwithstanding any other provision of this section, any
17 portion of the revised capital expenditure project for which the
18 County of Los Angeles is reimbursed by the Federal Emergency
19 Management Agency and the ~~State Office of Emergency Services~~
20 *California Emergency Management Agency* shall not be considered
21 eligible project costs for purposes of determining supplemental
22 reimbursement under Section 14085.5.

23 (3) The department shall seek a medicaid state plan amendment
24 in order to maximize federal financial participation. However, if
25 the department is unable to obtain federal financial participation
26 at the Medi-Cal inpatient adjustment rate as described in paragraph
27 (1), the state shall fully fund any amount that would otherwise be
28 funded under this section, but for which federal financial
29 participation cannot be obtained.

30 (f) The LAC-USC Medical Center shall provide written
31 notification to the department of the status of the project on or
32 before January 1 of each year, commencing January 1, 2002. This
33 notification shall, at a minimum, include a narrative description
34 of the project, identification of services to be provided,
35 documentation substantiating service needs, projected construction
36 timeframes, and total estimated revised capital project costs.

37 (g) The project, if eligible under the criteria set forth in this
38 section and Section 14085.5, shall commence construction at both
39 facilities referred to in subdivision (a) on or before January 1,
40 2004.

1 (h) In addition to the requirements of subdivision (f), the project
2 shall be licensed for operation and available for occupancy on or
3 before January 1, 2009.

4 (i) On or before August 15, 2001, the County of Los Angeles
5 may withdraw any revised final plans that are submitted pursuant
6 to this section prior to that date if the Board of Supervisors of Los
7 Angeles County finds that insufficient funds are available to carry
8 out the capital expenditure project described in this section.

9 SEC. 308. Section 18275.5 is added to the Welfare and
10 Institutions Code, to read:

11 18275.5. Unless the context requires otherwise, for purposes
12 of this chapter:

13 (a) "Agency" means the California Emergency Management
14 Agency.

15 (b) "Secretary" means the Secretary of Emergency Management.

16 SEC. 309. Section 18277 of the Welfare and Institutions Code
17 is amended to read:

18 18277. ~~The executive director of the Office of Criminal Justice~~
19 ~~Planning~~ *secretary* shall select two child sexual abuse prevention
20 training centers, one in northern California and the other in
21 southern California, which shall receive state funds pursuant to
22 this chapter. ~~The executive director~~ *secretary* shall give
23 consideration to existing demonstration programs relating to the
24 prevention of sexual abuse of children and may award grant awards
25 on a sole source basis to the two training centers which he or she
26 selects for funding. ~~The Office of Criminal Justice Planning~~ *agency*
27 shall appraise the performance of the training centers on an annual
28 basis and ~~recommend to the executive director~~ *determine* whether
29 they shall receive continuation grants.

30 SEC. 310. Section 18278 of the Welfare and Institutions Code
31 is amended to read:

32 18278. (a) ~~The Office of Criminal Justice Planning~~ *agency*
33 shall make grants to community nonprofit child sexual abuse
34 treatment programs that are unable to meet the current demand for
35 their services, pursuant to this section.

36 (b) Programs seeking these grants shall apply to the Office of
37 Criminal Justice Planning in the manner prescribed by the office.
38 Each award shall be limited to twenty-five thousand dollars
39 (\$25,000). Programs shall be selected based, at a minimum, on the
40 following criteria:

1 (1) The program's inability to meet the public demand for its
2 services.

3 (2) The program's use of the award to maximize the services
4 provided to clients who would not otherwise be served.

5 (3) The likelihood that the program will be able to maintain the
6 new level of service after the funds granted are depleted.

7 The awards shall be equitably distributed to programs in northern
8 and southern California. At least one-fourth of the funds shall be
9 distributed to rural programs.

10 (c) The ~~office~~ *agency* shall fund programs as expeditiously as
11 possible; program funding shall commence within 90 days after
12 the effective date of this chapter.

13 SEC. 311. Section 18278.5 of the Welfare and Institutions
14 Code is amended to read:

15 18278.5. The ~~Office of Criminal Justice Planning~~ *agency* shall
16 enter into contracts with the centers for the provision of services
17 required by this chapter within four months of the effective date
18 of this chapter.